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ABSTRACT

This report reviews network project strategies to provide Navajo high school students with the choice of any regionally offered vocational education course. The first of six sections documents Navajo vocational education needs and cites problems in meeting these needs; for example, inadequate funding and poor interagency coordination. Section 2 focuses on the network purpose and project plan. The plan is described as the basis for the Navajo Division of Education (NDOE) to evaluate existing vocational education programs, coordinate resources, identify program needs, coordinate the Navajo Regional Vocational Institute development, and determine transportation requirements. The third section discusses project methodology, including formation of a region-one school representatives committee and a survey of region-one high schools to obtain vocational program availability data. Section 4 proposes improvements for facilities, equipment, teacher training needs, and other areas. In section 4 barriers to network implementation are pinpointed: absence of a Vocational Education Navajo Branch and coordination system, and the Indian vocational education contracts program. The final section makes recommendations for the Bureau of Occupational and Adult Education and NDOE. Also provided are project development recommendations for the advisory committee, data collection/analysis, and other program elements. Appendixes contain the survey instrument and responses and other project related materials. (CSS)

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FINAL REPORT

The Navajo Vocational Education
Network Strategy:
Region I

by

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U.S. DEPARTMENT OF HEALTH,
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I. Background

The Navajo Nation has the potential for tremendous economic development based on the vast resources which it has at its command, and which are presently beginning to be exploited on the reservation. The implementation of economic development plans has, in turn, major implications for expanding employment demand associated with that development.

As the expansion of employment opportunities occurs, the expansion of the skilled labor force, trained to meet the emerging employment needs, must occur. If training programs are not designed and linked to the areas in which expansion is occurring, the benefits of new employment opportunities will go to non-Indians, a situation that has repeatedly happened in the past on the reservation.

If skill training and preparation is available to the Navajo people to assist them to meet their emerging employment requirements, they are assured of job placements on the reservation by virtue of their employment rights. These employment rights, based on Indian preference supported by Tribal resolution, have been exercised by the Office of Navajo Labor Relations (ONLR). Enforcement of its authority requires that employers on the reservation give Indians preference in hiring, and requires that specific goals and timetables for the employment of Navajos be included in agreements between the Tribe and reservation employers. In addition, the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) are required by law to give preference to Indians in their hiring. Finally, the Department of Labor 1/ recently proposed regulations which allow employers on or near the reservation to offer preference to Indians without violating other equal employment requirements. This provision further extends the opportunity for employment of members of the Navajo Tribe.

Employment data shows that many non-Indians are employed in skilled occupations on the reservation--occupations for which training could be provided through vocational education programs. 2/ This reflects the fact that available

1/ Equal Employment Opportunity Commission, Civil Service Commission, Department of Labor, and Department of Justice in joint hiring procedures issued August 25, 1978.

2/ 1970 Census Data available through a special computer run provided by the Navajo Research and Statistics Center, Navajo Tribe, Window Rock, Arizona; Employment of Navajos and Non-Navajos in Business/Service Industries on the Navajo Reservation, Office of Program Development, Navajo Tribe, Window Rock, Arizona.

training opportunities in vocational education could benefit a large number of unemployed people on the reservation. If youth could be trained while still in high school, employment programs could concentrate on the adult unemployed.

A recent study showed that Indians comprise approximately 35% of the total population in the counties on or near the reservation and close to 100% of the population on the reservation itself. However, Indians comprise only 23% of those employed near the reservation (see Table 1), and 62% of those employed on the reservation itself (see Table 2). Using the 1970 Census information 1/ and the Business/Services Industries Survey, 2/ we can identify the occupations that were filled by non-Indians. These are jobs Navajos compete for, and could move into if they had appropriate training.

Table 1 shows the percent of Indians employed in the positions available on and near the reservation. Those occupations for which skills can be obtained through vocational training are marked with an asterisk. In only two instances do Indians represent more than 35% of those employed in occupations that require vocational/technical training: carpenters (44%) and health services workers (47%). In every other occupational area, Indians comprise less than 35% of those employed. It is important to note that the major emphasis of ONLR has been on training and employing construction workers; and that IHS has had an extended training program for Navajo health workers. It is also important to note that the Indian health workers are concentrated at the lowest level of service workers and that RNs, LPNs, and health technicians are still predominantly non-Indians.3/

The Navajo Division of Education (NDOE) recognizes that the development of truly comprehensive vocational programs has major implications related to the

1/ 1970 Census Data available through a special computer run provided by the Navajo Research and Statistics Center, Navajo Tribe, Window Rock, Arizona.

2/ Employment of Navajos and Non-Navajos in Business/Service Industries on the Navajo Reservation, Office of Program Development, Navajo Tribe, Window Rock, Arizona.

3/ Rj Associates, A Study of the Indian Health Service and Indian Tribal Involvement in Health, Office of Assistant Secretary for Planning and Evaluation, DHEW, Washington, D.C., August, 1974.

Table 1

Employment of Whites and Indians on and
Near the Reservation

	TOTAL	WHITE	INDIAN	PERCENT INDIAN
PROFESSIONAL, TECHNICAL AND KINDRED WORKERS:	14,157	12,046	2,003	14.2
Engineers, Technical	906	804	62	6.8
Physicians, Dentists, and related Practioners	467	463	4	0.9
Medical and Other Health Workers, Except Practioners	948	692	257	0.4
Teachers, Elementary and Secondary Schools	4,997	4,474	472	9.4
Technicians Except Health	1,255	949	292	23.3
Other Professional Workers	5,584	4,629	916	16.4
MANAGERS AND ADMINISTRATORS, EXCEPT FARM:	8,073	7,315	734	9.1
Salaried: Manufacturing	317	285	32	10.1
Retail Trade	1,410	1,366	44	3.1
Other Industries	4,315	3,721	570	13.2
Self-Employed: Retail Trade	1,119	1,065	54	4.8
Other Industries	912	878	34	3.7
*SALES WORKERS:	4,133	3,699	386	9.3
*Manufacturing and Wholesale Trade	527	525	2	0.4
*Retail Trade	2,816	2,449	329	11.7
*Other Workers	790	725	55	7.0
*CLERICAL AND KINDRED WORKERS:	12,691	9,833	2,713	21.4
*Bookkeepers	1,582	1,499	80	5.1
*Secretaries, Stenographers, and Typists	3,201	2,534	643	20.1
*Other Clerical Workers	7,908	5,800	1,990	25.2
*CRAFTSMEN, FOREMEN, AND KINDRED WORKERS	12,199	9,008	2,833	23.2
*Automobile Mechanics and Body Repairmen	1,261	1,021	216	17.1
*Mechanics and Repairmen, Except Auto	1,562	1,238	306	19.6
*Machinists	250	208	42	16.8

*Source: 1970 Census produced by Navajo Research and Statistics Center, Navajo Tribe.

Table 1 (cont'd)

	TOTAL	WHITE	INDIAN	PERCENT INDIAN
*Metal Craftsmen, Except Carpenters Mechanics & Machinists	213	203	10	4.7
*Carpenters	1,284	696	570	44.4
*Construction Craftsmen, Except Carpenters	2,663	2,006	630	23.7
*Other Craftsmen	4,966	3,839	1,059	21.3
OPERATIVES, EXCEPT TRANSPORT:	8,964	5,963	2,911	32.5
Durable Goods, Manufacturing	2,081	810	1,229	59.1
Non-Durable Goods, Manufacturing	963	564	393	40.8
Non-Manufacturing Industries	5,920	4,589	1,289	21.7
*TRANSPORT EQUIPMENT OPERATIVES:	1,972	1,677	258	13.1
*TRUCK DRIVERS:	2,297	1,782	367	16.0
LABOR, EXCEPT FARM:	5,208	2,849	2,248	43.2
Construction Laborers	1,273	184	463	36.3
Freight, Stock and Material Handlers	1,226	805	386	31.5
Other Labors, Except Farm	2,709	1,260	1,399	51.6
*FARMERS AND FARM MANAGERS:	907	647	260	28.7
FARM LABORS AND FARM FOREMAN:	1,193	689	504	43.3
Farm Laborers, Unpaid Family Workers	70	36	34	48.6
Farm Laborers, Except Unpaid and Farm Foreman	1,123	653	470	41.9
SERVICE WORKERS, EXCEPT PRIVATE HOUSEHOLD:	12,294	7,966	4,075	33.2
Cleaning Service Workers	3,021	1,837	1,078	35.7
*Food Service Workers	4,259	3,011	1,158	27.2
*Health Service Workers	1,087	563	508	46.7
Personal Service Workers	1,694	1,132	549	32.4
*Protective Service Workers	1,106	820	281	25.4
Service Workers, Except Private Household	1,127	603	501	44.5
PRIVATE HOUSEHOLD WORKERS:	1,377	598	690	50.1
TOTAL	85,465	64,072	19,982	23.4

*Source: 1970 Census provided by Navajo
Research and Statistic Center,
Navajo Tribe.

Table 2

Survey of Navajo and Non-Navajo Employment in Business/
Service Industries on the Navajo Reservation*

	TOTAL	NAVAJO	NON-NAVAJO	% NAVAJO
PROFESSIONAL TECHNICAL AND KINDRED WORKERS	7687	3655	4032	47.5
Technical Workers	1010			
Engineering, Technicians	72			
Mining and Metallurgy	212			
Other Technicians Except Health	351			
Health Technicians	275			
MANAGERS	2003	761	1242	38.0
*SALES	637	446	191	70.0
*CLERICAL	5805	3753	2052	64.7
*Typists, Secretaries & Clericals	4544			
Telephone Operator	42			
Mail Carriers	525			
Cashiers	74			
Postal Clerks	620			
*CRAFTSMEN, FOREMEN, AND KINDRED WORKERS	3596	1408	2188	39.2
Automobile Mechanics & Body Repairmen	87			
Mechanics and Repairmen, except auto	804			
Machinists	50			
Metal Craftsmen, except carpenters, Mechanics and Machinists	57			
Construction Craftsmen	1135			
Carpenters	425			
Excavating Grading Machine Operator	255			
Painter and Paper Hanger	160			
Electrician	162			
Plumber & Pipe Fitters	133			
Linemen and Servicemen	149			
Other Craftsmen	1314			
OPERATIVES	1562	1514	48	96.9
*TRANSPORTATION WORKERS	81	72	9	88.9
*TRUCK DRIVERS	522	179	343	34.3
SERVICE WORKERS, EXCEPT PRIVATE HOUSEHOLD	3776	3561	215	94.3
LABORERS	1589	1496	7	94.1
*FARMERS	147	139	8	94.6
TOTAL	27,405	16,984	10,421	62.0

*SOURCE: Office of Program Development, Navajo Tribe, Window Rock, AZ

economic development efforts of the tribe. Such a comprehensive system could produce a skilled labor force capable to meeting present demands, as well as a labor force that could attract and encourage economic and business development designed to assist tribal efforts to fully develop its economy. Given the enormous economic development potential on the Navajo reservation and the expectation that such development will require an expanded labor force, vocational education becomes a crucial component for the tribe. To reap the benefits of such economic development, i.e., for Navajos to secure the jobs that emerge, the tribe's human resources must be developed to its full potential. NDOE views, by virtue of the federal policies on self-determination, that as the tribal authority on education issues, it has the responsibility for determining the needs of Navajo tribal members and for developing programs to respond to those needs. NDOE views vocational education as having an integral role in supporting the tribal plans to increase the employment opportunities of its people. The goal of the tribal economic development program is to develop a diverse and dynamic economy, capable of returning its maximum employment and income benefits to the Navajo people, the maximum opportunity for choice of both style and standard of living, and which will provide a basis upon which they can establish their self-sufficiency as individuals and as a nation. In order to accomplish this goal, the tribe has concentrated its efforts in six areas: 1) resource development, 2) industrial development, 3) commercial development, 4) manpower development, 5) community infrastructure development, 6) financial resources development.^{1/} The responsibility for manpower development for the Navajo Nation is jointly shared by the Navajo Office of Labor and the NDOE.

NDOE also recognizes that the problems of providing training opportunities in remote rural areas have been further compounded by past neglect, and the need to prepare Indians with the specific skills essential to meet the labor demand created by the economic development. Jobs available on the reservations have been held in many cases by Whites who come on to the reservation and are hired because the unemployed Indians do not have the requisite skills. Most Navajos want to acquire the skills needed to enable them to obtain the jobs resulting from any economic expansion so that they can remain on the reservation. Although they would

^{1/} Overall Economic Development Programs, The Navajo Tribe, Window Rock, Arizona, July, 1974.

prefer to remain on the reservation, they must also find employment in order to support themselves and their families.

NDOE has been moving to develop adequate vocational education opportunities on the reservation in response to its mandate and the overwhelming need, well-documented by various research efforts in vocational education and related areas, and within the framework of the life situation on Navajo. This situation is such that vocational education for the Navajo people must be viewed as more than just another need, though certainly the needs of the Navajo people are great. The average capita personal income on the Navajo reservation is \$900 compared to the U.S. figure of \$3,921. Only 40% of the adult men are in the labor force and have jobs, compared to 94% of the adult men in the U.S. labor force.^{1/}

Unemployment rates of better than 40% do not reflect "standard" vocational education needs. They reflect a unique situation which requires a wholly different approach to planning and utilization of resources. Not only are the needs on the Navajo reservation greater, but the resources available are both different and fewer.

The tax base of the eleven public school districts which Navajo students attend is extremely narrow, causing chronic financial crises; there are vast distances between schools, and the road system is primitive; the Navajo language is the mother tongue for most Navajos; the job market for which training must be geared is not the same from one area of the reservation to the other.

To add to the problem of delivery of vocational education services, one must keep in mind that the Navajo reservation contains a population of almost 140,000, is located in three states (Arizona, New Mexico and Utah) located in three federal regions, and is equivalent in size to the State of West Virginia. The school age population is approximately 58,000 students, 30,000 of whom attend public schools in 11 different school districts both on or near the reservation. Approximately 18,000 attend schools administered independently by the Bureau of Indian Affairs. Still other students attend mission schools and others attend contract or community-controlled schools.

^{1/} Rj Associates, A Study of Selected Socio-Economic Characteristics of Ethnic Minorities Based on the 1970 Census, Volume III: American Indians, prepared for the Office of Special Concerns, DHEW, Washington, D.C., July, 1974.

The research has shown that not one of these school districts offers a vocational education program composed of the sequence of courses that will provide students with entry level skills, nor is it likely that any individual school will have enough resources and facilities to provide a comprehensive vocational program. It is, therefore, essential that each agency 1/ of the reservation share the resources that are or could be made available. Any system that ignores the resources of the public school will inevitably be ignoring a critical resource available to the tribe.

NDOE efforts to develop vocational programs on the reservation have also been in response to the expressed desires of the Navajo people, verbalized and documented in the Navajo Educational Hearings held in 1975 throughout the entire Navajo reservation. In this document 2/ the Navajo people have expressed their need and desire for vocational education services at the secondary and local community level:

. We need a local school where these students cannot only attend school and take academic courses, but which also give them the opportunity to take vocational training. Those who. . . take vocational courses can still be near home where tools, equipment and employment can be developed.

Employment assistance programs have failed to relocate Navajos in gainful occupations. . . Trainees have returned to their family homeland . . . without the skills necessary to fill the vast labor pool needed to develop our nation.

There are other students who have gone to high school but for some reason--either lack of funds or poor academic achievement--they drop out. For those students, we would like to have a vocational training school. This means that these students will have the opportunity to learn a trade or vocation which will prepare them to seek employment.

1/ For the purpose of administering programs and services, the Bureau of Indian Affairs divides the reservation into five agencies: Eastern, Ft. Defiance, Chinle, Shiprock and Western.

2/ Navajo Division of Education, Navajo Education Hearings, Navajo Tribe, Window Rock, Arizona, 1975.

In order to begin to get a sense of the magnitude of the problem and determine how best to begin to make changes in vocational education to improve the situation, NDOE in 1976 sponsored a study 1/ that had as its major goals:

- To develop a complete picture of the nature and scope of vocational education programs now being offered by state and local education agencies, the BIA, the tribe itself, and other agencies to Navajo tribal members both on and near the reservation, and to determine whether funds are being provided for services to the Navajo people in an equitable manner;
- To identify the places where critical decisions concerning vocational education programs are made so that the tribe, in a coordinated fashion, can work to influence these decisions;
- To analyze existing vocational education services in terms of their relevance to job opportunities presently available on and near the reservation, as well as those emerging through tribal natural resources and industrial development activities.

The results of the study 2/ found that Navajo students are being denied an opportunity to participate in vocational education programs as a result of a variety of factors:

1. The Programs are Inadequately Financed

Federal vocational education funds have not been distributed equitably to local Indian school districts by state vocational education departments.

Analysis of the vocational education funding patterns revealed that the formulas 3/ utilized by the States of Arizona and New Mexico to allocate voca-

1/ Rj Associates. Vocational Education on the Navajo Reservation: Present Status and Future Directions, prepared for the Navajo Division of Education, Window Rock, Arizona, December 1976.

2/ For a complete discussion of these findings see Vocational Education on the Navajo Reservation: Present Status and Future Directions, Rj Associates, Inc., Arlington, Virginia, 1976.

3/ Arizona State Plan for Vocational Education, 1976, Phoenix, Arizona; New Mexico State Plan for the Administration of Vocational Education Under the Vocational Education Amendments of 1968, Santa Fe, New Mexico, 1975.

tional education funds were not responding to Indian needs and may, in fact, not have been complying with the law. 1/

These funding formulas are set up in such a way that they work against rural Indian populations and have resulted in insufficient funds going to school districts serving Navajo children.2/ Disadvantaged and handicapped set-asides have not been targeted at the populations in the districts serving the reservation which represent the most disadvantaged and highest incidence of handicapped conditions in the states.3/ As a result, many poor school districts have been without adequate financial resources to provide needed vocational education programs and the results are evident both quantitatively and qualitatively, in inadequate course offerings (both in number and kind) and existing deficiency in facilities and equipment.

The research also revealed that the BIA schools received no vocational education funds even though all students, whether they attend public or BIA schools, are counted by the states in the formula used to determine the federal funds available to the states. The BIA, in the absence of a policy on vocational education, invests little money in secondary level vocational education, and therefore, what little was found in Bureau schools in the way of vocational programs was, at best, prevocational education.

2. There is no coordination among local education agencies (LEAs) nor between the LEAs and the BIA.

Given the high cost of vocational education facilities and equipment and the dispersion of its population, 4/ effective planning and coordination among agencies is absolutely essential. At the time the research was conducted, there was virtually no communication between the BIA and the public schools, and little in the way of joint efforts among the public schools.

1/ U.S. General Accounting Office, Manpower and Welfare Division. Letter and report from Edward T. Jennings to the Secretary of Health, Education and Welfare, dated March 12, 1976 re: Survey of Certain Financial Transactions Involving the Use of Federal Funds by the New Mexico State Department of Education. (Information released as part of the memorandum from HEW Audit Agency to Director of Management Systems and Analysis Division, Office of Education, March 16, 1976).

U.S. Department of Health, Education, and Welfare, Bureau of Occupational and Adult Education. Report of Special Review of Vocational Education Allocation Procedures in Arizona, June 20, 1975.

2/ Although New Mexico has now included vocational education in its equalization formula, a formula which in most cases works to the advantage of Indian school districts, the many years that vocational education in the Navajo school districts was underfunded has left the Navajo school districts with only limited programs, equipment and created a deficit that current funding has not remedied.

3/ Rj Associates, A Study of Indian Health Service.

4/ Population density on the Navajo reservation is 3 persons per square mile. U.S. Census of American Indians, 1970.

3. Course offerings do not appropriately respond to labor market demands.

Analysis of vocational education courses indicated that there were glaring deficiencies in meeting labor market demands. Better data on existing and emerging labor market demands is needed on the reservation and its dissemination to LEAs is essential in planning appropriate training; but at the time of the study there were already known areas where there existed a demand for trained workers for which no training was being offered, and training was being offered in job classifications for which there was little demand on or near the reservation.

4. Inadequate resources are devoted to vocational education planning.

As is often the case, most local school districts cannot afford and do not spend significant time or resources on planning, and, therefore, little change occurs in courses from year to year. This was found to be true for the school districts serving the reservation. The states of Arizona and New Mexico have not required annual plans from their local education agencies on a regular basis, even though as recipients of vocational education entitlement and special program funds they are required to do so. In the Bureau of Indian Affairs, despite the availability of ample numbers of administrative personnel in the Navajo Area Office, little attention has been given to vocational education planning.

5. There is very little technical assistance available to local vocational educators who seek to improve their programs.

In Arizona, where the relationship between the local districts and the state has been fraught with conflict in the past, only limited technical support was provided. The County Coordinator who is supposed to serve the reservation districts in Arizona has the responsibility not only for vocational education, but for career education as well; this range of responsibility makes it nearly impossible for him to perform his job effectively.

It was found that the reservation school districts had had difficulty developing good applications, and in many cases, had simply given up submitting applications for certain discretionary grant programs because they had been turned down so often in the past.

In New Mexico, the state equalization formula has resulted in a vocational education planning and decision-making process which is almost totally locally controlled. Although vocational education plans in New Mexico are supposed to be submitted to the state on an annual basis, it was found that; in fact, they were submitted about every three years and were not rigorously reviewed when they were submitted. Since local programs were rarely monitored or evaluated, little, if any, quality control exists. Technical assistance was provided only if requested, and those services were narrowly focused on specific subject areas, rather than dealing with generic planning issues. BIA school staff who were interested in improving the vocational education program simply had no place to turn because there was no vocational education policy or program unit in the Bureau, and no ability to offer staff guidance.

6. Availability of vocational education teachers.

There was found to be a paucity of trained vocational instructors in the isolated rural areas served by reservation schools. It has been difficult for the local school districts to retain teachers due to the higher salaries paid by the BIA and the urban school districts. A shortage of housing has also added to the problem. The lack of available instructors has meant the elimination of courses or the inability to create new courses.

7. There is an insufficient emphasis in the secondary school on training for employment.

During the course of the study the state of New Mexico was moving toward a policy of all but eliminating vocational training for employment at the secondary schools, and focusing all its resources at the postsecondary level. Arizona, with its extensive community college system, appeared to be operating similarly. The BIA secondary school offerings were, at best, prevocational. However, at the postsecondary level, the BIA funds the Southwestern Indian Polytechnic Institute, Haskell Indian Junior College, as well as its extensive employment assistance programs.

II. Purpose of Network Project

With the documentation of the need completed, NDOE sought to maintain the growing efforts and enthusiasm for improving vocational education. The decision to pursue a regional approach to planning and delivery of vocational education programs at the secondary level was based on the major recommendations of the previous research.

The decision to focus efforts to improve vocational education available to Indians initially on the secondary rather than the postsecondary level was based on several reasons: first, the tribe has more influence on the local school districts than on the postsecondary institutions which are located off the reservation. Secondly, good vocational preparation at the secondary level is important to future employment as well as student decision-making about postsecondary training opportunities.

In order to maximize the use of existing facilities and equipment, whether the property and responsibility of public schools, BIA schools, or the tribe, the concept that NDOE sought to apply was that of a Vocational Education Network designed to serve defined geographic areas. Under the Network model, all of the schools in a geographic area would make up the pool of vocational education courses available to an Indian student in any school in the area. The planning of new courses or elimination of outdated courses would be done for the geographic area rather than for an individual school. Such an approach should include the right of any student to be able to choose among courses offered not only at his/her own school, but at any school in his/her geographic area. In some instances, in order to develop a new program or improve equipment, financial contributions may have to be shared by several schools, school districts, or the BIA.

The objectives of the project focused on design and operational planning that would guide in the implementation of the Vocational Education Network strategy in one geographic region on the Navajo reservation. (Hereafter referred to as Region I.) This plan was intended to provide a basis for the Navajo Division of Education:

- to evaluate existing vocational education programs including relevance to employment demands, condition and appropriateness of equipment and facilities, competencies of teaching personnel and need for additional personnel;
- to coordinate and direct the existing vocational education resources administered by a variety of schools and agencies, through the efforts of a joint steering committee of officials representing all schools, under the direction of NDOE;
- to identify additional and expanded vocational programs that are needed and to seek additional funds/resources and redirect existing funds/resources to provide for the programs;
- to assist and coordinate the development of the Navajo Regional Vocational Institute which when operational will serve as a resource to all secondary school vocational programs as the Networks become operational in all five Navajo agencies;
- to determine the type of transportation system that will be required to transport students to vocational programs at various schools.

The selection of Region I for the Network Project was based on the fact that within the defined area are public schools, a BIA school, a mission school, a contract school, a vocational rehabilitation facility, a school for exceptional children, as well as two postsecondary institutes, Ganado and Navajo Community College. Thus, all of the various types of schools and agencies that exist on the reservation are represented in Region I.

III. Methodology

A. Formation of School Representatives Committee

At the beginning of the project, a School Representatives Committee was formed of representatives from all the educational agencies in Region I. In addition, representatives of the Arizona State Department of Vocational Education and the BIA Navajo Area Office participated in the initial meeting to discuss purposes and objectives of the Network strategy and to review the work plan being proposed. Those asked to attend the first meeting included:

- Public school district superintendents 1/
- Public school principals
- BIA school principals 2/
- Contract school principals 3/
- Vocational education directors/supervisors from each school
- Chinle agency BIA Superintendent for Education
- Navajo Area BIA Director for Education
- Representative of Arizona Department of Vocational Education
- College of Ganado/Navajo Regional Vocational Institute Director

Following this meeting a permanent committee of representatives of the schools in Region I was formed. The Committee met several times throughout the project year to review the strategy and to respond to each stage of the project's activities. The participating schools and agencies were asked to provide data concerning existing vocational education programs so that decisions could be made based on detailed and accurate facts regarding the programs operating in Region I, and so that a replicable model could be developed for the other regions of the reservation.

1/ Chinle, Ganado, and Window Rock School Districts

2/ Many Farms

3/ Rough Rock

In most cases, the members of the School Representatives Committee were extremely interested and supportive of the efforts to improve vocational education available to Navajo children living on and near the reservation. However, several members expressed real concern and trepidation as to the role of their programs vis-a-vis the Navajo Regional Vocational Institute (NRVI). There also existed a lack of understanding as to the purposes of the network project as distinguished from the development of NRVI. This confusion hampered to some degree the ability of the representatives to develop a coordinated strategy under the leadership of NDOE.

Several factors both advertently and inadvertently increased the confusion. At the time of his departure, the previous Director of NDOE was developing the concept of establishing a vocational institute on the reservation and the information about the vocational institute began circulating throughout the reservation. However, at the time that the Director left NDOE to go to the University of New Mexico, the feasibility of the Institute was still being formulated, and no decisions to proceed with the establishment of the Institute had as yet been made. To further confound the situation, the staff responsible for implementing the network strategy and the staff responsible for formulating the Institute concept were the same staff, which further blurred the distinctions between the two efforts in the eyes of the School Representatives.

Following the departure of the long-established Director of NDOE, various acting Directors presided over NDOE for almost a year, and policies shifted with each new Acting Director. For most, their major concern was with education rather than vocational education, but what interest there was in vocational education shifted from the development of the Institute towards establishment of a vocational education department within NDOE.

Although the interest in the Institute waned, interest in a Vocational Education Branch within NDOE was also stymied until the accession of the new Director of Education, Dr. Sam Billison. However, Dr. Billison's appointment was made after the deadline for applications for the Indian Vocational Education Contracts program. Thus, he was unable to influence the development of the network during its critical period.

B. Data Collection Activities

1. Vocational Education Programs in Region I

A survey instrument was drafted to be completed by each high school in Region I. The questions asked were intended to glean all relevant data concerning availability of vocational education programs at the secondary level. The instrument was designed to collect data that had not been available from local school districts in previous research. In addition to a description of the existing programs, efforts were made to determine the quality of programs by examining the condition of their equipment and facilities, as well as to determine teacher skills and competencies. A copy of the survey instrument and a summary of the responses appear in Appendix A.

The original plan was to conduct a site visit to each school in the Region to facilitate the gathering of information and responses to the questions on the survey instrument. A pre-test conducted with one school revealed that it would not be possible to collect the information while on site because some of the questions required the gathering of information that was not readily available. It was decided, therefore, that a more efficient method would be to mail the survey instrument to our contact in each school indicating the date by which it should be returned. Assistance was offered to any school having difficulty responding to the instrument. This system of collecting the data worked well except for the inordinately long delays in turn-around time. One hundred percent response of the schools was obtained; however the data collection was not completed until February, 1978.

2. Vocational Education Funding

Our research documented the amount of vocational education funds going to all schools within the Region. The problems in proposal and application preparation were described as contributing to underfunding that afflicted the districts. Inequities in the entitlement formula and data used to apply the formula were examined to determine their relative accuracy.

Project staff sought to identify those schools in Region I that were experiencing difficulty in preparing applications and offered their assistance. Staff also met with State of Arizona vocational education officials in an effort to gain their support and assistance in obtaining funds for the Navajo school districts. They also met with the Career Vocational Education and County Coordinator for Navajo and Apache Counties. This year (1978-79) the Chinle School District is receiving funds under the vocational education disadvantaged category. This application was the only one submitted from Region I for funding under the disadvantaged, handicapped or limited English categories.

Other areas of special funds available to school districts with large Indian populations that have not been utilized for vocational education programs include Title I, Title IV, and JOM. School district advisory council approval is required for program implementation for each of these sources of funds. It was intended that project staff would work with the councils to inform them of the fact that vocational education is a legitimate program to support with these funds. Two of the school districts in Region I have utilized JOM funds for vocational education; 1/ one district is utilizing Title IV. 2/

Additional funding sources were investigated by project staff. These included: CETA funds available to the tribe; BIA Education; Adult Vocational Training (AVT) funds; as well as the funds available under the Indian set-aside provisions of the Vocational Education Act. (A discussion of the difficulty in obtaining funds from this program are discussed in Chapter V). Project staff met with representatives of each of these programs on the reservation as well as officials for Indian Education and Employment Assistance in the BIA Central Office, Washington, D.C.

1/ Window Rock, Chinle

2/ Window Rock

Navajo Office of Labor received a major allocation of funds for CETA in-school youth. At the request of the CETA office, schools on the reservation submitted proposals for in-school programs. There have been long delays while the schools have waited for their promised funding. Although NDOE attempted to coordinate with the Office of Labor, officials of the Navajo CETA program would not make a commitment to support the vocational education efforts.

Officials for the BIA Education Area Office were supportive of the network concept and were willing to enter into and expedite the necessary agreements to share transportation and facilities. Since they had no independent vocational education funding, they were not able to commit funds to assist in supporting the network.

Because there is no vocational education division within the BIA Office of Education Programs, staff met with the Director of Indian Education Programs in the BIA, Washington, D.C., to determine if and how the BIA would participate in the network. The Director reported that the policy on BIA schools is one of local control whether through a School Board or Advisory Council. That body would be elected by the community, and would have decision-making authority regarding the policy, program, and personnel matters for the school. It would, therefore, be up to the local body to determine what kind of program the school should have--comprehensive, academic, vocational education, alternative. They would design the program within the same budget (BIA is presently sponsoring a study through NIE to examine different models for equitable direct funding formulas to support Bureau schools). However, since there were no funds to support the purchase of equipment nor for adding vocational teachers to the staff, it was unlikely that vocational programs could get started even if all members of the Advisory Committee recommended it. In addition, the Director saw no effort being made by the Bureau to expand or develop vocational education programs in its secondary schools--since it is up to the local schools with the approval of the Area Director. (If the Area Director does not approve, the school can appeal to him). The National Director thinks money should be available for technical assistance to local boards which are attempting to design and develop programs.

The Director added that with regard to BIA's requirement to match BOAE money for Indian contracts programs in FY 1980 the BIA is turning over \$6 million to BOAE to contract out. BIA will participate in the review of these applications. There will be no technical assistance or funds for tribes to prepare applications--no money and no staff either from the BIA or from staff at BOAE. For want of such assistance tribes will have to develop their own expertise or obtain help on their own.

He saw no problem with BIA students participating in public school vocational education programs and was not aware of any legal obstacle if the schools are able to work it out. In fact, he suggested that if states are counting students and not serving them, the states should be sued.

We would suggest that the BIA itself has been negligent in meeting the needs of the Indian students it serves by virtue of the fact that BIA has never made any attempt to seek federal vocational education funds to serve its students, or to utilize its own funds to provide programs in the secondary schools. 1/ Furthermore, participation by BIA students in public vocational education programs is another alternative that is consistent with the provision of Section 104.803 of the vocational education regulations. The regulations require that vocational education services be provided to students enrolled in non-profit private schools and provision must be made for the participation of such students. It is logical that the concern of Congress to assure that disadvantaged students in parochial and other private schools receive vocational education is also intended to include students in BIA schools serving disadvantaged Indian students. Indian students in BIA or mission schools cannot be considered to have equal access to vocational education programs in public schools if no provision has been made to transfer students from one school to another, or for purchasing the training where it is available. No initiative has been made by the state, the local school district or the BIA to make such involvement possible.

1/ BIA's efforts are concentrated at the postsecondary level except for one of its secondary boarding schools.

Employment Assistance officials in Washington expressed interest in the project, but were concerned about any policy that would restrict a student's Participating in programs off reservation, if they wanted to. The Employment Assistance funds are limited by law to persons 19 years of age and over and, therefore, cannot be used to support the Network directly. However, coordination with this program and other training programs could assure that other programs which can serve younger students allocate funds to the Network; Employment Assistance can pick up the costs for adults. In addition, coordination between the postsecondary and secondary programs is crucial to insure that postsecondary programs are designed to build upon training attained at the secondary level and that the programs respond to employment needs of the intended clients.

Additionally, the staff investigated the possibilities for applying for funds through the Career Education Program (OE) and the Bilingual Vocational Training program (BOAE). However, for whatever the cause, NDOE was not able to develop applications for these programs.

3. Employment Demand Information

The previous research also found that school districts rarely utilized up-to-date employment projections in planning their vocational education courses. The reason for this lies mainly in the fact that accurate up-to-date employment information specific to employment on the Navajo Reservation and in nearby communities does not exist. The project sought to identify further studies completed through the Four Corners Regional Commission of the Economic Development Administration, the Navajo Tribe's Office of Program Development, the Navajo Office of Labor and Labor Relations and the Navajo Research and Statistics Office, to obtain better employment data. Although each office produced some data, none were able to produce data that specified the range of employment opportunities likely to emerge or on the reservation. Nonetheless enough data was produced to indicate certain areas where employment expansion is likely to occur and certain areas where no discernible employment opportunities exist.

IV. Findings

All the information obtained through the data collection efforts were analyzed by Rj staff. A preliminary report was prepared which described a variety of alternatives and strategies that could begin to expand and improve the vocational education opportunities available to Navajo students in Region I. The alternatives and strategies were developed with the expectation that funds would be forthcoming from the Vocational Education Indian Contracts program.

The ways in which existing programs could be improved or expanded are described below:

A. Facilities

Considered to be an overwhelming problem by members of the School Representatives Committee, there is practically no additional space or classrooms that are unused or available in the event a school were to expand or increase vocational programs.

A new facility currently being built at Window Rock High School is scheduled to be completed by the fall of 1979. It will provide 14,500 additional square feet for vocational programs. The school district plans to house its building trades program and auto mechanics program in the new facility. The classrooms in which these programs are presently taught will be vacated since the classes will move to the new facility. This will free up some classroom space. Plans are tentatively to use the space for an emergency medical program. Alternative programs for the use of the space might be considered.

The Chinle school district has been provided space that was previously part of the BIA elementary school dormitory facility. It consists of approximately 5,000 square feet that would require a tremendous amount of renovation in order to be usable for vocational programs. It is possible space could be renovated to accommodate part of a training program.

Rough Rock is building a new shop facility which is to be completed by the fall of 1979.

College of Ganado plans to renovate one classroom.

Alternatives

1. Renovation of existing space -- The issue of renovation is somewhat irrelevant since it is apparent that there is little or no space available for renovation except the dormitory space at Chinle which may prove too costly to pursue.

2. Construction of additional space -- Obtaining money for facilities construction has remained extremely difficult with tremendously competing demands for very limited construction dollars. Additionally, regulations for most programs prohibit the use of funds for construction.

Under these circumstances the tribe could pursue either of the following strategies to increase the amount of space for vocational programs:

a) It could lobby the U.S. Congress to pass special legislation which would provide the needed funds for vocational facilities construction on the reservation. Some work in this area has been done and such legislation has been considered with some members of Congress aware of the severity of the problems and the inability of existing legislation and funds to meet the needs.

b) In addition to the lobbying efforts or as an alternative, the tribe could encourage the construction of additional space as an activity that would be part of a school's building trades program. Having students work on actual construction projects and getting paid as part of a work experience program is a model that has been used on the reservation. Additions could be developed compartmentally, one unit (or classroom) at a time.

There are variety of ways the costs for such a program might be handled. Where existing program funds, such as CETA, can be picked up for the cost for

student salaries and/or equipment, these should be utilized. Where they cannot, the tribe could fill the gap by targeting a portion of the funds it receives under the Indian vocational education contracts program toward such an effort.

3. Utilization of mobile trailers -- Temporary facilities, which may or may not be mobile, could be purchased to provide additional space for vocational programs. Depending on the vocational program and the need, a mobile unit might prove most useful because it could serve several schools. Fully equipped units could be purchased; the tribe could allocate funds from the contracts program for this purpose.

4. Other training providers -- Further investigation of programs offered by other training providers such as CETA should be conducted to determine if it would be possible for vocational programs to share/borrow their facilities.

B. Equipment

In most cases, the schools in Region I needed either additional equipment to meet the needs of the total number of students in their classes or needed equipment repaired or replaced with up-to-date equipment. Window Rock school district was an exception to this; although some of its equipment needed updating, there is a fund in the district's budget to replace that equipment in 1979. St. Michaels also indicated that it had sufficient equipment for the courses it provided at the time the questionnaires were sent out.

In all instances, school districts reported that their equipment was comparable to that used by local employers. In a couple of instances, school districts reported that some of their equipment in certain program areas was more sophisticated than that of local employers.

Alternatives

1. Tribe could coordinate repair of equipment in Region I.
2. Tribe could utilize part of the contracts programs funds to purchase additional equipment.

3. Tribe could solicit donations of equipment from corporations and businesses; this could be done after the tribe has determined exactly what programs are going to be added or expanded or which need new equipment.

C. Teacher Training Needs and Problems of Recruitment

Most of the schools in Region I reported that the vocational education teachers needed in-service training to bring them up-to-date with current skills and developments. This was not the case in Window Rock for two reasons: 1) most of the teachers are so recently out of college or industry that their skills are up-to-date; and 2) the Principal's area of specialty is vocational education. The other two schools that indicated their teachers did not need in-service training were Many Farms and St. Michaels, both of which have very limited program offerings.

Alternatives

The tribe could coordinate the in-service training needs for the Region. The tribe could arrange for training sessions by bringing in experts in the specific areas of need to conduct training sessions for teachers from the entire Region. Funds to upgrade teacher skills could be allocated from the Indian contracts program; this would be a comparatively small output for a major improvement of services.

D. Correlation of Programs with Job Demand

The schools in Region I had not made any studies to determine what vocational areas needed expanding. There was only limited use made of existing tribal data on employment; data was not provided by detailed occupational classification.

A comparison of the following Demands for Jobs (based on data provided by the Navajo Office of Labor and Office of Program Development) with courses provided by Region I schools revealed the need for designing specifically job-related vocational education programs.

There is an unfilled demand for: 1/

Electricians - 160
Carpenters - 265
Pipefitters - 75
Millwrights - 125
Mechanics - 160
Boilermakers - 50
Health Technicians - 200
Truck Drivers - 125
Repairmen - 40
Clerical - 1,200
Excavation and Derrickmen - 150
Sales - General Merchandise - 200
Linemen/Servicemen - 75
Engineering Technicians - 50

There is a limited demand for;

Welders
Agriculture 2/
Auto Mechanics
Drafting/Graphic Arts
Horticulture

There is little or no correlation between the vocational courses that the schools reported offering and the occupations for which there is a demand. The vocational programs reported to be offered are summarized in Table 1.

Alternatives

1. The tribe should provide data by detailed occupational classification (and related vocational classification) to school districts and encourage expansion to occur in occupations for which there are currently jobs and occupations which are expanding. Programs should be required to utilize such data to insure that programs being planned will result in occupational opportunities

1/ Navajo Office of Labor and Office of Program Development.

2/ Depending on how projected demand based on Irrigation Project is interpreted., e.g., Price, Joel. Comprehensive Employment Opportunity Center, Shiprock, New Mexico, Shiprock, New Mexico; Navajo Community College, June 30, 1974; U.S. Department of Commerce. Development Plan: Four Corners Regional Commission, Washington, D.C.; February 1972.

for the students that participate. We would recommend that the Navajo Office of Labor be designated responsibility for obtaining this data, and updating it at regular intervals.

2. The tribe could implement a system for evaluating existing curriculum such that it meets the goal of training individuals for jobs that exist on the reservation.

E. After School Programs

Less than half of the schools in Region I have experimented with providing vocational programs after school hours utilizing school facilities, equipment, and teachers.

Alternatives

1. The tribe could expand the number of people participating in vocational programs at very little cost if existing facilities were utilized after school hours. Providing the funds to pay teachers for additional hours could result in the maximum utilization of limited existing resources.

F. Follow-up

None of the school districts maintained any type of follow-up procedures. Without any follow-up procedures, it is impossible to determine with any accuracy whether students found employment or pursued further training in the area in which they were trained. The schools were, therefore, not in a position to evaluate the effectiveness of their programs.

Alternatives

The tribe could undertake the implementation of follow-up procedures. First, it should determine the reasons(s) why procedures have not been implemented (no staff, no money, too difficult to locate students after they leave school, etc.). It could then design and coordinate the follow-up of vocational students for the Region. The data gleaned from such an effort would provide valuable information regarding the adequacy of the vocational programs, whether students obtain jobs in areas in which they receive training, and whether they obtain these jobs on or near the reservation, or whether they are required to leave the reservation to obtain employment.

G. Work Experience

Clearly the program considered highly successful by those schools which have it is the work experience program. (Question 12.) Several of the school districts had applied to the tribal CETA program for funds to pay additional students to participate. At the time of this report, the Navajo Office of Labor had delayed six times in providing the funds for approved programs; but it had informed the schools that the funds would be forthcoming.

Alternatives

1. The tribe could utilize its own CETA or vocational education funds to support additional students in work experience programs.

2. It could encourage the Office of Labor to move on getting the money out to the schools and could seek an expanded role on the part of CETA in supporting work experience programs.

H. Funding

None of the Region I school districts are receiving vocational funds for the disadvantaged or handicapped during school year 1977-78. The reasons for this, based on previous research, are varied. 1/

Alternatives

1. Upon the request of a school district, the tribe could assist a school district in preparing an application or providing relevant data to reflect the need and eligibility of students in the districts for funds under those programs.

2. The tribe could work with the State Department of Vocational Education to determine the reasons why applications have been turned down in the past and what can be done to make them acceptable in the future.

In addition to tapping funding resources, tribe could take better advantage of services already funded., e.g., DOL, HUD, Title XX state funds.

1/ See Vocational Education on the Navajo Reservation: Present Status and Future Directions.

I. Transportation and Equipment

In order for the network to work and for students to have access to programs in the schools, a system of transportation will have to be designed. An increase in the number of students in a vocational program may require additional material and/or equipment.

Alternatives:

1. The tribe could investigate whether school buses could be used during school hours to transport students to vocational education programs in other schools and to work placements sites (and whether this would require additional special liability insurance arrangements).
2. With regard to materials, tools for construction sites might be obtained from Self Help Housing, the BIA, CETA, Four Corners Commission, and Tribe, etc.

V. Barriers to Implementation of Network

A. Absence of a Navajo Branch of Vocational Education

Problems in the implementation of the Network strategy were created by the absence of a Branch of Vocational Education formally authorized within the NDOE to be responsible for formulating vocational education planning and policy.

A rational comprehensive effort to provide vocational education services on the reservation requires organizing the various departments, agencies, and institutions, such as NDOE, NCC, NOL, state agencies, BIA and local school districts, that all presently provide training on the reservation. The cooperation of these various entities is required in order to create a vocational education framework adequate to meet the complex of needs. Appropriate plans to improve vocational education opportunities must be based on the knowledge and understanding of what is being offered by all these training providers. Within a framework that describes the types of training that are needed and the training presently being offered, questions of responsibility and turf can be rationally allocated among the training providers. The experience of the past year has shown that without an operating Vocational Education Branch within NDOE with formally authorized responsibility, NDOE staff members working on a vocational education project have had little success in being able to establish and maintain their authority.

It is a difficult situation for staff to work in a vacuum without a sufficient framework defining their mission and authority as designated by the Tribal Council and its appropriate committees. Additionally, planning must take place within the framework of objectives approved by those whose support is crucial to program implementation.

It is not surprising that without full responsibility for vocational education being assigned to such a Branch within NDOE, the provision of information and cooperation required from other tribal agencies and programs supported by

other sources has not been as readily forthcoming as it might have been. It must be reasserted that there has been every evidence that under a better climate the school districts would have been willing to cooperate and accept that leadership, had it been forthcoming; and would be likely to again, if NDOE is given the opportunity to exert its leadership within a Vocational Education Branch.

The absence of such a Branch added to the confusion around the goals and activities of the Network project and the goals and activities of the efforts to establish a Navajo Regional Vocational Institute. Although these projects were working toward complementary goals, the strategies, activities, and results to be attained were quite different. Network project staff felt that throughout the project, the schools and agencies they were working with did not understand the distinctions between the two efforts. If the Branch of Vocational Education had been in place, both of these projects would have come under its umbrella (as well as other efforts in vocational education), and the purposes of the two efforts could have been more clearly defined.

Without its own Branch, staff working on the vocational education project had little ready access to the Director of NDOE. Problems that could have been resolved quickly and decisions that could have been made expeditiously got bogged down in layers of staff and lines of authority with the ultimate results being that decisions and problems were never efficiently responded to.

Implied here is the need for a clearly defined relationship between the Director of the Branch of Vocational Education and the Director of NDOE. Their roles and responsibilities need to be clarified, as does the relationship of vocational education to the other offices within NDOE. The Director of the vocational education program needs to have direct access to the Director of NDOE in the same way as the State Director of Vocational Education has to the Chief State School Officer. There are many areas of program implementation and coordination that require the Director of NDOE to be available to support

the program in order for vocational education efforts to be successful in its goals with other agencies and programs. This support from NDOE's Director will not be forthcoming if the vocational education program does not have direct access to the Director of NDOE. An established Branch of Vocational Education can then begin to define its relationship to other training providers on the reservation outside the NDOE, both those under the jurisdiction of the tribe and those operated by other agencies.

The leadership role to plan and coordinate educational programs on the reservation, in this case the vocational education programs, was the goal and objective underlying the formation of the Navajo Division of Education. Its intent was (and still is) to coordinate the educational activities available to all children on the reservation and to end the competition between individual schools and programs that serve only a small number of Navajo students at the expense of the majority of the children on the reservation. Because this type of leadership in the area of vocational education was not in place, a situation resulted in which various schools on the reservation were in competition with each other as well as with NDOE for the Indian vocational education set-aside funds. Whatever its shortcomings have been during the past year, the NDOE's underlying goals and motivations are still valid and it remains the only possible agency capable of performing the essential functions for which it was founded.

B. Absence of a Coordination System

As has been documented in the past, there exists no vocational education system on the reservation, nor is there one in the surrounding school districts. School districts tend to act independently of other districts, except perhaps for monthly meetings of school superintendents. These meetings are of an information-sharing nature; they are not intended to examine means of coordinating programs. If a genuine system is ever to be developed on the reservation, the resources of the various public and private agencies must be mobilized. The strategy must address itself to eliminating the existing program fragmentation on the reservation and developing a fully coordinated

system including both employment and training and vocational education programs designed to meet these needs. The only way to meet these ends is through a coordinated planning mechanism which is still in its most elementary formulation.

The responsibility for establishing such a system for vocational education rests with the Navajo Division of Education, in establishing objectives and implementation plans. The strategy must involve all agencies serving tribal members in a coordinated system that will improve the training of members of the Navajo Nation. Coordination must start among local education agencies, the BIA schools, the contract schools, and then be expanded to include the postsecondary schools and the employment and training agencies. At the present time, there is much duplication, and efforts to combine these training capacities are still only in the talking rather than planning stage. Although duplication exists, there are still students on the reservation who have no opportunity to attend any vocational education program.

Because there has been little coordination among the various skill training components at the secondary school level on the reservation, employment and training programs have had to meet the needs of both the out-of-school population, as well as to serve the untrained high school graduates in order to fill the gap created by the lack of adequate training opportunities offered in the secondary schools. In order to appropriately coordinate components, a framework should be established which describes the training needs of the Navajo Nation on the reservation defining the existing services and opportunities available, and spelling out how the local schools can cooperate to establish a viable system available to all young people.

The first step in the development of a coordinated system is the collecting and laying out of information reflecting the training needs and opportunities on the reservation. The information should be assembled so that it describes a complete picture of present training opportunities and the number of people participating. The matrix below indicates the information required to present such a picture.

Training Opportunities
On the Navajo Reservation
Postsecondary Level

Occupations for which Partici- pants are being Trained	Training Providers				
	CETA	Employment Assistance	Postsecon- dary Insti- tutions	Skills Center	Other Train- ing Providers, etc.
Carpentry Pipefitting Welding Auto Mechanics Nursing Health Technician Agriculture Production Etc.	Number in Training				

The same matrix should be developed for training opportunities at the secondary level. The "training providers" at the secondary level in most cases are the schools on (and near) the reservation: public, BIA, contract and mission. The NDOE vocational education staff will then have the necessary information upon which to base efforts at coordination. The list of training providers on the horizontal axis of each matrix indicates the agencies and institutions whose "participation" is required for a coordinated system. The purpose of the coordinated system will be to eliminate existing

duplication, to assure that new program initiatives are not duplicatory, and to build a continuum of programs so that students have appropriately sequenced programs available to advance their skill development. All program efforts should reflect realistic employment opportunities.

A strategy to convince school districts and BIA schools that it is to their advantage to cooperate in such a system will have to include certain incentives. People act on the basis of their own self interest and, therefore, the self interest of the local schools must be emphasized in all negotiations with the schools. This may require that a newly appointed Vocational Education Director make presentations to school boards and advisory councils to explain the goals and purpose of the program, and to indicate what schools have to gain through participating in the system. They will have to be convinced that they will receive better funding, have better programs, and greater ease in operating their programs, rather than the reverse. It was anticipated that NDOE would be able to offer such incentive through the Indian Vocational Education Contract funds which it would control. (See Problems with Indian Vocational Education Contracts Program.)

Explanation of the benefits to be gained should be described in terms of the networking model which has previously been proposed. The major emphasis of the model is one in which all the schools in a defined geographic area would together make up the pool of vocational education offerings available to any Indian student attending any school in the area. Continuation of the present School Representatives Committee and the formation of such committees in all other Regions will be important to this effort. The Committees will be expected to assist by providing the information to plan new courses and eliminate outdated courses for the geographic area they represent rather than for any individual school. Each Region will have to accumulate the kind of information that was gathered for Region I. The networking model allows each individual student to choose courses, available not only in their own school, but also among those offered in any school in their geographic area. In order to accomplish this end appropriately, joint funding may have to result. Schools

that do not belong to the same school system will have totally independent sources of authority and, therefore, pooling of resources is not an easy task. If any coordination is to occur it will have to be done by NDOE cajoling and encouraging and judiciously using its funds as a lever in order to establish the linkages.

For NDOE to accomplish this end, NDOE will have to persuade BOAE of the validity of its objectives and of the problems of funding individual schools whose frame of reference is much narrower.

A similar effort at coordination will have to be focused at the post-secondary level. The priorities of coordinating postsecondary training are similar to those at the secondary level; but additionally the effort needs to insure that opportunities are provided at the postsecondary level for students to advance the skill they obtained at the secondary level.

C. Indian Vocational Education Contracts Program

Recognizing the failure of vocational education in the past to respond to and meet the needs of Indian students, Congress passed legislation in 1976 with a special provision for Indian tribes and tribal organizations. 1/ Section 103(b) of Public Law 94-482 is an important step for both vocational education and Indian people. This provision permits Indian tribes and tribal organizations at the request of the tribe to contract directly with the Bureau of Occupational and Adult Education (BOAE) "to plan, conduct and administer programs, or portions thereof." This provision permits Indian tribes to assert their right to plan for needed services in the field of vocational education. The Navajo vocational education network strategy was conceptualized with full cognizance of this provision. The expectation was that the Network Strategy could be pilot tested during the waiting period until funding would be available and that it could then be implemented and replicated throughout the reservation utilizing the funds that would be made available.

1/ Education Amendments of 1976, P.S. 94-482

The Navajo Division of Education closely followed the legislation and the issuance of the regulations for implementing the Indian set-aside. NDOE submitted recommendations regarding the proposed regulations, 1/ requesting that the final regulations clarify and further define certain aspects of the regulations. NDOE was concerned specifically with the statement of purpose, the technical criteria for evaluating applications, and, particularly, adherence to Indian Self-Determination as articulated in Public Law 93-638. These recommendations were not addressed in the final regulations.

Announcement of the Indian vocational education contracts program was made in October of 1977 with a closing date in March 1978. During the months prior to the March 1978 closing date, NDOE had several acting directors. The Acting Director serving during the period immediately preceding the closing date for applications to BOAE was not aware that the date was impending, and was alerted to the fact only a few weeks prior to the date that applications were due. With little time left to prepare the proposal, arrangements were made for a consultant to work with NDOE staff and be responsible for the major development of the proposal. Given the time frame, previously developed research information pertinent to the Navajo situation was cited, but was not specifically incorporated in the proposal. But the plan proposed in the application was based on the development of a system whereby NDOE would rationally plan and provide for comprehensive vocational education services for the entire reservation as proposed in the previous research. Much of the developmental work to prepare for the provision of services was proposed as part of the activities of the project. The developmental aspects of the project was not inappropriate, given the size of the reservation, the size of the proposed project to begin to meet the needs on the reservation, the number of new staff that would have to be brought on to conduct the project, and the appointment of a reservation-wide Advisory Council whose members were likely to have had little contact with vocational education, because it is relatively new to the reservation.

The staff of NDOE felt confident that their application would be favorably received based on the fact that they were a department of tribal government and that Self Determination had been incorporated in the vocational education regula-

1/ A copy of those recommendations appears in the Appendix.

tions; that NDOE had been involved in three vocational education research projects; and that the application was soundly based on the recommendations and decisions that had emerged from that research.

When a permanent Director of NDOE was finally appointed in April 1978, he called BOAE to determine the status of the application. At that time he discussed with officials of the Indian Contracts Program whether it would be possible to make changes in the project after funding. He was informed that his concerns about certain aspects of the application could be addressed after funding and was given no indication that there were weaknesses in the application or that changes were in order.

In August, the Navajo Tribe was notified by BOAE that their application to contract had been declined. No explanation was provided other than the fact that there were more applications submitted than there were funds available.

The Chairman of the Navajo Tribe submitted a formal protest to the Commissioner of Education over the rejection to fund the application.^{1/} He requested a full investigation charging violations of both the Education Amendment of 1976, Public Law 94-482 and the Indian Self-Determination Act, Public Law 93-638.

The major issue of the complaint rested with the authority of the Commissioner of Education to judge the capability of the Navajo Division of Education.

^{1/} This letter appears in the Appendix.

Declining to contract with the Navajo Division of Education constitutes a judgment by the Commissioner that the tribe is not capable to perform the functions to which the application is addressed. Such a judgment is not within the authority of the Commissioner. A judgment of this nature is in violation of his own regulations and those which he has accepted under the Indian Self-Determination Act.

In the legal memorandum 1/ submitted by the tribe to the Commissioner of Education as part of the appeal record, the violations of P.L. 93-638 are spelled out in detail. The tribe argues that in §105.204 of the Vocational Education Regulations, the Commissioner of Education has accepted the criteria set forth in P.L. 93-638 as the criteria to be utilized as a basis for entering or declining to enter into a contract with an applicant. The criteria set forth in P.L. 93-638 require that the Commissioner presume the competence and ability of the tribe to perform, and appropriateness of the program and services being provided. The burden of proof rests on the Commissioner to prove otherwise; only then can he decline to contract with a tribe. The Commissioner of Education did not demonstrate the specific grounds, supported by substantial evidence, upon which he declined to contract which he is required to do pursuant to §102 of the Indian Self-Determination Act.

Furthermore, the Navajo Nation represents approximately one-third of all reservation Indians in the United States. BOAE's action also violates §105.212(b) of the Vocational Education Regulations. This section clearly states that there is a legal obligation to avoid an inequitable distribution of funds among Indian tribes. Since the Navajo Nation represents nearly one-third of all reservation Indians the failure to fund NDOE's application demonstrates "inequitable distribution."

The Navajo Tribal Council has designated the Navajo Division of Education as the sole agency responsible for planning, supervision, coordination and control of all activities regarding education on the reservation. The Navajo Division of

1/ Text of legal memorandum appears in the Appendix.

Education has demonstrated its capability in vocational education by virtue of its successful performance on three separate research grants funded by the Bureau of Occupational and Adult Education. Yet, BOAE was, in fact, negotiating with special schools on the Navajo reservation who submitted applications. These applications were submitted without the support of the Navajo Tribal Council and, therefore, funding such applications are a direct violation of §102 of the Indian Self-Determination Act and §103(b)(iii) of the Education Amendments of 1976.

A formal hearing was conducted at which time these issues were addressed. On October 25, 1978, the Office of the Chairman received written notice sustaining the findings and recommendations and that review of the case did not warrant a reversal of the Commissioner's decision to deny funding to the Navajo Nation.

The actions by BOAE and implications of those actions for all Indian tribes create grave concerns regarding BOAE's respect for and adherence to the federal policy of Indian Self-Determination. BOAE's actions have clearly undermined the ability and authority of an Indian tribe to plan for the needs of all its members. These actions have served to perpetuate the rivalry and competition among Indian groups that existed prior to the establishment of a federal policy of Indian Self-Determination, a policy by which Indian tribes through their tribal governments are recognized as the appropriate decision-making body for matters affecting tribal members. The intent of the federal policy is to insure that tribes have the capacity to carry out this responsibility. The commitment to this policy is demonstrated by the Sections of P.L. 93-638 which make available to tribes the needed technical assistance where requested.

It was suggested in the hearing record that NDOE should consider submitting its proposal to the Arizona State Vocational Education Board for funding. BOAE cites the basis for support for this suggestion in the legislative history of the Vocational Education Act: "the creation of this limited appropriation for Indian Vocational Education programs is not meant to relieve the States of their responsibility to serve all their citizens in need of voca-

tional education, including Indians." 1/ BOAE fails to recognize that approximately 40% of the Navajo tribe resides outside of Arizona in New Mexico and Utah. It is precisely this geographic situation that demands that the Navajo tribal government and its designated agencies plan for the entire reservation rather than having individual schools that can only deal piecemeal with short range and short-sighted programs.

BOAE made no effort to assist Navajo in the development or improvement of their application. The irony of this is almost cruel. The Indian contracts program came about based on the recognition that vocational education was not serving the needs of Indian people. 2/ Yet the application process required tribes who have not been served and therefore are likely to have little exposure to vocational education to develop sophisticated applications to be evaluated on highly technical criteria. In his letter to Chairman MacDonald denying funds, the Acting Deputy Commissioner for BOAE offered technical assistance to NDOE, upon request, in the preparation of applications for assistance in the future.

Even with technical assistance by BOAE, the prospects for future funding are somewhat grim in light of the reality of the situation. As reported in the hearing transcript of September 12, 1978, by Dr. Doris Gunderson, Program Officer, Demonstration Branch, BOAE:

" According to the statute, beginning in Fiscal Year 1979, the Bureau of Indian Affairs is required to match the funds and those matching funds were to be transferred to the Office of Education for the administration of the program. Our appropriation in FY 1978 was \$5,218,476. It will be approximately the same this year. Apparently, none of the matching funds from the Bureau will be transferred so it means that we will have only the money available to the Office of Education which is 1% of the total vocational education appropriation. Under the program, assistance contracts may run for a

1/ House of Representatives Conference Report No. 94-1701, September 27, 1976.

2/ Ibid.

period not to exceed 3 years. Consequently, the majority of the applications that we receive, almost all of them, in fact, requested funding for a three year program. Consequently, in FY '79, we will only have \$1,411,400 available for new program. So we will have less money available for new applications this year because of the fact that many of the projects are three year assistance contracts." (Emphasis added) 1/

If the Office of Management and Budget's recommendation to cut vocational education funds in next year's budget are implemented, the funds available through the 1% set aside for the Indian contracts program would be further reduced. These circumstances will make it extremely difficult for the Navajo Tribe to have an impact on the vocational programs on the reservation.

1/ Transcript from Hearing held in Albuquerque, New Mexico, September 12, 1978

VI. Recommendations

Bureau of Occupational and Adult Education

1. BOAE should adopt a policy of Indian Self-Determination consistent with the law and regulations.
2. BOAE should adhere to its own regulations which specify the term not satisfactory is used as it is in the Indian Self-Determination Act (Section 102).
3. BOAE should clarify how it determines "inequitable distribution" in utilizing this factor in declining to contract.
4. BOAE should amend the technical criteria utilized in evaluating applications.

The technical criteria do not respond to the needs of Indian people for vocational education, nor the intent of Congress to provide for those needs. Award of contracts based on the criteria as they are presently written reflect primarily those who excel in preparing applications. This program is not intended to develop pilot, exemplary or innovative approaches to vocational education, nor is it intended toward applied research or development of curriculum. Therefore, the technical criteria are inappropriate for this program. Congress intended the program to provide Indian tribes with the basic support to plan, administer and conduct vocational education programs. The criteria should place more emphasis on the need for vocational education and much less emphasis on the technical aspects of the submission requirements for contracting.

The program improvement criterion focuses on the actual development and implementation of vocational training programs. The operation of a training program is not the only purpose for which the funds can be used. Planning, equipment purchase, facilities improvement, evaluation of BIA, LEA, and SEA vocational education programs are equally valid activities and the criteria for project selection should not implicitly or explicitly exclude such options. A more appropriate criterion to apply would be "evidence that the program will contribute to the capacity of tribe to respond to the vocational education needs of its members."

While there is no question that tribes are in need of vocational educational services, the needs of tribes will depend on a variety of factors, and, therefore, the nature of the program they propose will differ. A discussion of the need for vocational education programs should include a description of the programs presently available from LEA, SEA, BIA, and other sources, as well as the tribe's economic development efforts and plans. With that background an appropriate judgment of the need for the program can be made. This description of need will provide BOAE with sufficient information to work with prospective grantees to assure that the proposed project is responsive to the vocational education need that exists and to encourage maximum utilization of resources. In this context, need is a far more important criterion.

Criteria (c), (d), (e), and (f) under §105.211 Technical Review Criteria should be combined and revised to require a work plan that reflects the reasonableness and workability of the program or project being proposed. Furthermore, criteria (g) and (i) under the same section are inconsistent with the Indian Self-Determination Act and regulations which require only that an acceptable personnel system be in place. Institutional capability is not an appropriate criterion under such a grant program; it is particularly inappropriate for this program since for many Indian tribes this will be the first vocational education activity they will administer.

5. BOAE should give priority to proposed activities that support a comprehensive vocational education plan. Development of such a plan should be considered a legitimate activity.

Priority should also be given to activities that include coordination of existing programs and resources. This will increase the likelihood that these funds will be used to leverage other funds/programs/resources. Indian tribes must not be led to believe that this program is the be all and end all to solving the problems of insufficient and inadequate vocational education programs for Indians. Funds available through this program are not sufficient to do that. Rather, tribes should be encouraged to utilize these funds to move toward the development of ways to maximize the variety of resources that can assist in supporting vocational education programs and funding sources already available.

6. If an application from a Tribal Department is not deemed satisfactory, BOAE should inform the applicant as to the reasons why it is not satisfactory and provide an opportunity for an applicant to improve its application. In deeming an application unsatisfactory, BOAE must adhere to Section 102 of the Indian Self-Determination Acts which places the burden of proof on BOAE to show why an application is unsatisfactory.

Navajo Division of Education

1. NDOE should establish a division of vocational education (NDVE) within NDOE; this division should be given the responsibility to develop vocational education policies and to identify the issues on the reservation.
2. NDVE should establish a reservation-wide Advisory Council for vocational education to provide guidance and direction to the development of vocational education plans and policies and to develop a coordinated system to serve the reservation. (See Strategy for Organization and Training of Reservation-Wide Vocational Education Advisory Council, Appendix D.)
3. NDVE should continue to collect data in the other regions on the reservation so that the network can become operational when funds are acquired (for Operational Plan, see Recommendation #11).
4. NDVE should continue to seek funds to improve and expand vocational education services on the reservation.
5. NDVE should assist school districts to apply for all vocational education funds for which they qualify. NDVE should assist local districts to prepare applications and assure that the applications are reviewed against the stated criteria by the State Department of Vocational Education, to improve the likelihood of funding.
6. NDVE should provide training and technical assistance to Parent Committees of Title I, Title IV, and JOM programs. This training should be designed to assure that Parent Committees are informed of the options available to them to use these program monies to meet the special

needs of Indian students for vocational education. Should the PACs decide on a program in the area of vocational education, NDVE staff would be responsible for explaining how to develop and implement a quality vocational education program.

7. NDVE should maintain a close working relationship with the State Departments of Vocational Education in order to influence their activities. Particular effort must be made to influence state decisions with regard to the allocation of funds so that school districts serving Navajo children receive a fair share of funds.
8. NDVE should act as a liaison between the several schools or agencies to facilitate agreements necessary to allow equipment and facilities to be used during out-of-school hours so that people who are not in school can also participate in vocational training.
9. NDVE should work in cooperation with the Navajo Office of Employment and Training to expand the use of CETA funds for programs to prepare students in secondary schools for employment.
10. NDVE should examine the tribal teacher training program to determine if some of the resources allocated to that program could be re-directed to preparing Navajos to become vocational education teachers.
11. An Operational Plan 1/ for implementing a regional approach in a vocational education:
 - A. Formation of Advisory Committee

Formation of School Representatives Committee; members will include representatives from every school in the region as well as from the BIA agency and area office and a representative of State Department of Vocational Education.

 - Send out letters to representatives asking them to participate;
 - Arrange meeting logistics;
 - Develop agenda;
 - Conduct meetings

Meetings of the School Representatives Committee should be called as needed for review and input in the development and implementation of the Vocational Education Network in that region and should continue to meet after it is operational.

B. Data Collection

1. Vocational Education Data

- Make copies of survey instrument;
- Duplicate and prepare for mail out or delivery with cover letter;
- Mail out or deliver survey instrument to all participating schools;
- Follow-up as needed to obtain returned instruments and to fill in where responses are not adequate.

The vocational education data to be collected are spelled out on the survey instrument. (Survey Instrument appears in Appendix 1.) This information is required to provide the basis for analyzing the present status of vocational education in the region.

2. Employment and Job Market Data

- Obtain latest employment data by craft by Navajo non-Navajo from Office of Navajo Labor Relations;
- Obtain data regarding employment and training needs from Office of Labor;
- Obtain Navajo Labor Force Survey data from Office of Program Development;
- Obtain employment projections, Office of Program Development

C. Data Analysis

1. Vocational Education Data Should be Analyzed to Determine Need for the Region

- What vocational programs and sequences are being provided;
- What facilities are and will be available;

1/ This could be replicated for a total reservation that is not as large as Navajo that requires regionalization.

- How adequate and up-to-date is equipment that is being used;
- To what extent do teachers need in-service training and recent work experience;
- Are schools within the Region applying for and receiving funds under special vocational education categories;
- To what extent are other special funds being utilized for vocational education;
- What plans are being made for expansion/redirection/reduction of vocational education programs;
- What additional vocational programs do the schools think are needed;
- What do the schools in the Region consider as their major problems in vocational education?
- Rules, regulations, application procedures and deadlines, and eligibility requirements;
- Catalog funds for facilities.

2. Employment Data Should be Analyzed to Determine:

- What jobs are presently available;
- What jobs are projected;
- How do jobs filled by non-Navajo relate to vocational programs presently being offered;
- What vocational programs need to be expanded or decreased;
- To what extent is there duplication in vocational programs being provided.

D. Development and Implementation of Operational Plan

Based on the data collection and analysis, an operational plan for implementation of the network in the region should be developed and presented for approval to the School Representative Committee. The plan should include:

- Addition and/or coordination of programs as assigned to particular schools depending on facilities and equipment;

- Compilation and dissemination of occupational demands (a) specific to Region I, (b) specific to reservation, and (c) to near reservation communities, in order that Navajo students are aware of opportunities for employment in the area;
- Expansion or conversion of facilities;
- Additional equipment required and identification of major employers nationally from whom needed equipment can be sought and donated;
- Transportation system and scheduling for getting students to vocational courses at various schools;
- Financial responsibilities of each school and additional funds to be sought. NDOE will provide technical assistance as necessary to develop applications and proposals for funds for which school districts are eligible;
- Development of new funding resources through 1) cooperative arrangement with Navajo Office of Labor (responsible for administering the tribe's CETA grants); 2) contracting and/or redesigning BIA Adult Vocational Program; 3) contracting with BOAE under provision in new legislation;
- System of follow-up, cooperative education, and placement of students who participated in the Network;
- Highlighting potential legal problems that may arise in coordinating activities of schools that are administered by different agencies and provide possible solutions to those problems;
- Development of Adult Components to use facility full-time.

E. Identification of Funding Sources

1. Develop an Inventory of Possible Funding Sources for Vocational Education to Include:

- State Department of Vocational Education

Entitlement
Disadvantaged
Handicapped
Limited English

- Federal Vocational Education

Exemplary
Indian Contracts
Bilingual Vocational Education

- LEA's supplemental Funds
JOM, Title IV, Title I:
- CETA - Youth development;
- BIA.

2. Catalogue for Each Funding Source the Following Information:

- How funds have been utilized in the past (example: what percentage of state disadvantage funds have gone to Indian school districts):
- Rules, regulations, application procedures and deadlines, and eligibility requirements;
- Catalogue funds for facilities.

3. Alert, encourage, and where requested, assist school districts in development of applications.

F. Additional Requirements

The operational plan should describe in detail:

- The steps necessary to implement the Network strategy;
- Roles and responsibilities of the participating schools and agencies;
- The types of agreements that are required;
- Methods of coordination;
- Type of scheduling and transportation issues that must be addressed;
- The role of the Indian tribe vis-a-vis the different education agencies.

Appendix A -- Survey Instrument

1. VOCATIONAL PROGRAMS

a. What vocational education programs do you have?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

b. What programs are offered as a sequence?

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

c. For each sequence, provide the following information:

Vocational Programs	Courses in Sequence	Number Students in Each Course	Hours Each Day Each Class Meets	Days Per Week Each Class Meets	Number of Sections of Each Course
Other courses:					

d. Do most of the students complete the sequence?

YES _____ NO _____

2. EQUIPMENT

a. Describe precisely the equipment you use in each program
(provide precise inventory).

b. Do you need new or additional equipment?

YES _____ NO _____

Describe.

c. Is the equipment comparable to equipment being used by local
employers?

YES _____ NO _____

3. VOCATIONAL EDUCATION TEACHERS

For each of the vocational education teachers in your school, provide the following information:

Teachers	Degrees	Number of Years Work Experience	Courses They Presently Teach	Other Courses they are Certified to Teach	Any Experience they Have Had to Update Working Skills

a. Do they need in-service training? YES _____ NO _____ What Kind?

b. Do you have difficulty recruiting vocational teachers? YES _____ NO _____
If so, what do you think are the reasons?

4. Do you want to expand your vocational education programs?

YES _____ NO _____ In what areas?

Have you made any studies to determine what courses to add? Describe.

YES _____ NO _____

5. FACILITIES

a. Describe any unused classroom facilities?

b. Are there plans for expanding classrooms and facilities? Describe.

6. Are vocational education programs offered after school hours or in the evening?

YES _____ NO _____

Do teachers from your school teach in these programs?

YES _____ NO _____

Who attends these classes?

Is school equipment used for the classes? YES _____ NO _____

7. VOCATIONAL EDUCATION FUNDING

- a. List the types of funding being used to support vocational education? Include ALL sources and report vocational education funds separately.

<u>AMOUNT</u>	<u>SOURCE</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- b. Have you applied for state funds under the following categories in the last three years?

Disadvantaged?	YES _____	NO _____	AMOUNT RECEIVED _____
Handicapped?	YES _____	NO _____	AMOUNT RECEIVED _____
New Programs	YES _____	NO _____	AMOUNT RECEIVED _____
Other _____ (Specify)	YES _____	NO _____	AMOUNT RECEIVED _____

8. Do you provide any placement services? YES _____ NO _____
Please describe.

9. Do you have any follow-up procedures? YES _____ NO _____
Please describe.

If yes, what results have you found in the past two years on and near the reservation and off the reservation?

10. What type of programs are needed for students with problems, such as:

- a. poor attendance
- b. exceptional students
- c. over age students, who are not eligible for sports or other activities
- d. need for stipends

11. How high is the drop out rate for regular classes?

For vocational education classes?

If you have no data, please estimate.

12. Is work experience program provided? If so, how is it set up and run? Describe.

a. What are its successes?

b. What are its problems?

13. What type of relationship does the school have with other schools and agencies?

With the tribe?

With parents?

With advisory committees?

14. How much cooperation and support does the state provide? Describe.

15. How are the parents and local community involved? What are their views?

16. Education philosophy now?

In the future?

Appendix B -- Summary of Responses

Navajo Vocational Education Network

Region I

Table 1: Vocational Program

	Ganado High School	Window Rock High School	Chinle High School	Many Farms High School	Rough Rock High School	St. Michael High School	Toyey Opportunity Center	College of Ganado
Home Economics	✓	✓	✓					
Business Education	✓	✓	✓		✓	✓	Under develop.	Propo- sed
Construction	✓	✓						
Building Repair	✓							
Welding	✓	✓	✓		✓			
Agriculture	✓	Planned	✓					
Auto Mechanics	✓	✓	✓		✓			
Cosmetology			✓					
Drafting	✓	✓						
Graphic Arts			✓					
Allied Health (Ward Clerk/Med. Record)		Health occup.						✓
Food Service Meal Management	✓						OJT	Proposed
Silversmithing		✓					✓	
Woodworking					✓		Under devel.	
Janitorial							OJT	
Audio Visual/Small Appliance							Under devel.	
Pre-Vocational				✓				
TV Production		✓						
O indicates sequence								

Navajo Vocational Education Network

Region I

Table 2: Specific Courses

*All courses considered
Pre-Vocational.

	Ganado High School	Window Rock High School	Chinle High School	Many Farms High School	Rough Rock High School	St. Michael High School	Toyei Opportunity Center	College of Ganado
Typing I	25	✓	✓	100	67	15		
Typing II	18	✓	✓			15		
Typing III			✓					
Typing IV			✓					
Typing V			✓					
Typing VI			✓					
Bookkeeping		I & II	✓		7			
Accounting		I & II	✓					
Office Ed. I (Office Proceeding)	4	✓	✓		2	15		
Office Ed. II	2	✓						
Shorthand I	12	✓	✓		27	5		
Shorthand II	5	✓	✓					
Drafting I	9	✓	✓	65				
Drafting II	4	✓		16				
Graphic Arts			2M block ✓					
Introduction to Cosmetology			✓					
Vocational Cosmetology			✓					
Basic Auto Mech. (I)	15	✓	✓		15			
Vocational Auto Mech (II)	11	✓	✓					
Small Engine Repair	Sec. semes.			75				
Motorcycle Repair	18							
Welding I	15	✓	✓	45*	10			
Welding II	15	✓			18 (III-4)			
Building Repair I	11							
Building Repair II	Next year			75				
Construction I	6			67				

Navajo Vocational Education Network

Region I

	Ganado High School	Window Rock High School	Chinle High School	Many Farms High School	Rough Rock High School	St. Michael High School	Toyei Opportunity Center	College of Ganado
Home Economics I		✓	✓					
Home Economics II		✓	✓					
Child Care Careers I	7	✓						
Family		✓						
Closet Planning	38	✓						
Financial Management	16	/						
Ariculture I	8	✓	/	80				
Ariculture II	5	Planned	/					
Ariculture	26							
Agri. Production & Mgt.			✓					
Livestock Lab.			✓					
Food Lab.			✓					
Food Shop			✓		I-10 II-18 III-4		3	
Plant Science		/						
Medical Records						15	3	Proposed 35
Medical Records								2
Food Clerk								3
Food Services								Proposed 6
Cashier/Checker								10
Editorial							10	
Welding		✓					5	
Radio Visual							2	
Health Occupation		2m 3m block						
Industrial Arts				✓				
Home Economics (Pre-Voc)				✓				
Business Ed. (Pre-Voc)								
Agri. (Pre-Voc)								

Region I

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Navajo Vocational Education Network

Region I

1.d. Do most of the students complete the sequence?

Ganado High School	Yes
Window Rock High School	Yes
Chinle High School	No
Many Farms High School	Yes
Rouch Rock High School	Yes
St. Michael High School	No answer
Toyey Opportunity Center	Yes
College of Ganado	N/A (don't really have any programs)

Navajo Vocational Education Network

Region I

Table 6--Funding

	Ganado High School	Window Rock High School	Chinle High School	Many Farms High School	Rough Rock High School	St. Michael High School	Toyei Opportunity Center	College of Ganado
Az. Voc. Ed. Entitle- ment	8,600	20,000	26,000					
Az. Voc. Ed. Dis- advantage								
Az. Voc. Ed. Handi- capped								
Az. DES							73,862 (tribe 20%)	
CETA							83,967	600,000 (Title I)
<u>BIA</u>							250,943	
Education				✓	✓			
Private source					(contract)	✓		
JOM		15,000	10,000 +75,000					
Title IV		10,000						

Navajo Vocational Education Network

Region I

Table 3: Equipment Needs

Ganado High School	Need additional equipment
Window Rock High School	Some equipment out of date but there is money to replace it next year.
Chinle High School	Need equipment for woodshop, Home Economics, Business, Automotive (everything but Ag.)
Many Farms High School	Need equipment for welding, building trades, drafting
Rouch Rock High School	Need equipment, all is old and in disrepair
St. Michael High School	No equipment needs for present courses
Toyei Opportunity Center	Need additional equipment for woodworking, audio/visual and silversmithing
College of Ganado	Need equipment - in most cases. Office program equipment obsolete

Navajo Vocational Education Network

Region I

2.c. Is equipment comparable to local employers?

Ganado High School	Yes
Window Rock High School	Yes. In most cases, however, some local employers don't have up-to-date equipment.
Chinle High School	Yes. Sometimes equipment is more advanced than local employers.
Many Farms High School	No local employers
Rouch Rock High School	Yes
St. Michael High School	Yes
Toyey Opportunity Center	Yes
College of Ganado	Yes. (Most of it.)

Navajo Vocational Education Network

Region I

Table 4--Unused Classrooms or Facilities

Ganado High School	None
Window Rock High School	Building new facility - 14,500 square feet.
Chinle High School	BIA Dorm Facilities (single floor) - approximately 5,000 sq. ft. requiring tremendous amount of renovation.
Many Farms High School	None
Rouch Rock High School	None, new shop facilities being built, to be completed by fall 1979.
St. Michael High School	No
Toyey Opportunity Center	None
College of Ganado	Plans to renovate one classroom. Have facility for auto/diesel mechanics.

Navajo Vocational Education Network

Region I

4. Have you made any studies to determine what classes to add?

Ganado High School	No
Window Rock High School	No. Utilize tribal materials and labor projections.
Chinle High School	No
Many Farms High School	No
Rouch Rock High School	Yes. Community survey. Study of employment tools (offering exploratory vocational courses; informal interviewing).
St. Michael High School	No answer
Toyey Opportunity Center	No
College of Ganado	No. Informal inquiries.

Navajo Vocational Education Network

Region I

Table 5--Program Expansion Goals

Ganado High School	Want to expand: Horticulture (greenhouse) classroom
Window Rock High School	Auto body; building trades. Make carpentry into cabinet making. Considering emergency medical.
Chinle High School	Want nursing program, building trades; career exploration; industrial arts
Many Farms High School	Auto mechanics; body shop; building trades; vocational agriculture.
Rough Rock High School	Want to expand all programs. Add agriculture.
St. Michael High School	None
Toyeyi Opportunity Center	Wants to expand - no plans
College of Ganado	Wants to expand: Day care aide training Auto/diesel mechanics

Navajo Vocational Education Network

Region I

6. Are programs offered after school hours?

Ganado High School	No
Window Rock High School	No. But they were last year.
Chinle High School	Yes
Many Farms High School	No
Rouch Rock High School	Yes
St. Michael High School	Yes
Toyey Opportunity Center	No
College of Ganado	No

Navajo Vocational Education Network

Region I

6.a. Do teachers from your school teach in programs offered after school hours?

Ganado High School	Yes. Last year.
Window Rock High School	Yes
Chinle High School	Yes
Many Farms High School	
Rough Rock High School	Yes
St. Michael High School	Yes
Toyey Opportunity Center	
College of Ganado	

Navajo Vocational Education Network

Region I

6.b. Who attends?

Ganado High School	
Window Rock High School	Adults from local community. Funds were provided by BIA - ran into problem when Anglos wanted to participate. As a public school had to permit but BIA can't pay for non-Indians.
Chinle High School	Adults
Many Farms High School	
Rouch Rock High School	Adults
St. Michael High School	Mostly adults from tribal offices.
Toyey Opportunity Center	
College of Ganado	

Navajo Vocational Education Network

Region I

3.a. Do teachers need in-service training?

Ganado High School	Yes
Window Rock High School	No
Chinle High School	Yes
Many Farms High School	No
Rough Rock High School	Yes
St. Michael High School	No
Toyeh Opportunity Center	Yes
College of Ganado	Yes

Navajo Vocational Education Network

Region I

3.b. What kind?

Ganado High School	Workshops in all area that would bring teachers up to date on any new developments.
Window Rock High School	Principal has a doctorate in voc ed. Turnover is such that most teachers are recently out of school or industry
Chinle High School	Career awareness and exploration
Many Farms High School	
Rouch Rock High School	Automotive - up date on new procedures
St. Michael High School	
Toyey Opportunity Center	
College of Ganado	

Navajo Vocational Education Network

Region I

3.c. Do you have difficulty recruiting teachers?

Ganado High School	Yes
Window Rock High School	No
Chinle High School	Yes
Many Farms High School	Yes
Rouch Rock High School	
St. Michael High School	Yes
Toyey Opportunity Center	Yes
College of Ganado	Occasionally

Navajo Vocational Education Network

Region I

8. Do you provide any placement services?

Ganado High School	No
Window Rock High School	No. Not formally; informally teachers have gone into community and have had a spotly record of success.
Chinle High School	Not really. Rely on BIA Employment Assistance
Many Farms High School	No
Rouch Rock High School	Yes. Keep a current job list known to be available in area and encourage application to positions.
St. Michael High School	No
Toyei Opportunity Center	Yes
College of Ganado	Yes. We make individual contacts by phone. (Have written a job developed into new contract [CETA].)

Navajo Vocational Education Network

Region I

3.d. Reasons?

Ganado High School	Voc ed teachers working in remote area, they normally have to take a cut in pay.
Window Rock High School	Historically they have because of salary and housing. Recently raised pay scale.
Chinle High School	Not enough teachers graduating, a by demand so they do not want to come way out here.
Many Farms High School	None available in BIA (?)
Rouch Rock High School	Have not tried as facilities are to inadequate to attract to teachers.
St. Michael High School	No qualified teachers in area. Have to provide housing
Toyey Opportunity Center	
College of Ganado	Housing

Navajo Vocational Education Network

Region I

9. Do you have any follow-up procedures?

Ganado High School	No
Window Rock High School	No
Chinle High School	No. Desperately needed.
Many Farms High School	No
Rouch Rock High School	Yes. Business teacher is trying to keep a report of students educational employment experiences after student leaves. Encourage graduates to keep us notified of progress--keep in touch w/relatives and community.
St. Michael High School	No
Toyeyi Opportunity Center	Job site visit--1,2,4 weeks; 3,6 months. 1 year after placement.
College of Ganado	Yes. Letters to former students. Maintaining contacts with Dept. of Labor re placement.

Navajo Vocational Education Network

Region I

9. What have been your results?

Ganado High School	N/A
Window Rock High School	N/A
Chinle High School	N/A
Many Farms High School	N/A
Rough Rock High School	1. In operation only this last year, 3 in college, 3 in voc school, 5 working on reservation. 2. Tendency to want to remain near their homes in Rough Rock and find employment.
St. Michael High School	
Toyei Opportunity Center	N/A in operation since February 1977.
College of Ganado	Most students who were placed in jobs are still on the same job or have found a better one.

Navajo Vocational Education Network

Region I

12. Work experience programs

Ganado High School	No
Window Rock High School	Yes. All areas; D.O. Very successful, 10% (100) students are in program. Have received word that they will get CETA grant to expand to 150 students.
Chinle High School	Yes. D.O. H.E.R.O. Approximately 35% of the senior participate in work experience programs. (Waiting for CETA funds to expand the program.)
Many Farms High School	None
Rouch Rock High School	NYOP See 2 responses
St. Michael High School	No answer
Toyei Opportunity Center	All instruction is of the on-the-job training type.
College of Ganado	Yes. Students are placed in college offices, bookstore, cafeteria, etc.

Navajo Vocational Education Network

Region I

13. Relationship with other schools and agencies

Ganado High School	Good
Window Rock High School	Good. Reservation-wide Principals Association has recommended a full-time reservation county coordinator.
Chinle High School	Good. Navajo Apache Vocational Education Association.
Many Farms High School	None
Rouch Rock High School	No answer
St. Michael High School	No answer
Toyei Opportunity Center	Belong to consortium of rehabilitation facilities on the reservation.
College of Ganado	Good relationship with school district, Toney Opportunity Center, offer tribes' CETA programs.

Navajo Vocational Education Network

Region I

Relationship with tribe?

Ganado High School	Good
Window Rock High School	Minimum;CETA development
Chinle High School	Tribe inresponsive, CETA delays
Many Farms High School	None
Rouch Rock High School	No answer
St. Michael High School	No answer
Toyey Opportunity Center	Is a tribal department
College of Ganado	Very good. Send notices, articles and information reports on a reg. basis. Tribe provides t.a. & program support.

Navajo Vocational Education Network

Region I

Relationship with parents

Ganado High School	Good
Window Rock High School	Excellent
Chinle High School	Good
Many Farms High School	None
Aouch Rock High School	Good
St. Michael High School	No answer
Toyey Opportunity Center	Quarterly meetings to acquaint parents with program.
College of Ganado	Attend special events

Navajo Vocational Education Network

Region I

Relationship with advisory committee

Ganado High School	No answer
Window Rock High School	Not activated; to be activated this month
Chinle High School	Yes. Meet when item comes up.
Many Farms High School	None
Rouch Rock High School	Good. Meets regularly.
St. Michael High School	No answer
Toyei Opportunity Center	Quarterly meetings
College of Ganado	Organizing one now.

Navajo Vocational Education Network

Region I

14. Cooperation and support of state.

Ganado High School	None
Window Rock High School	Best of intentions. Too far away (geographically and philosophically).
Chinle High School	Tremendous. Voc ed Director makes many trips to Phoenix spending a lot of time there. Has found state people very helpful and concerned--call him about status of application.
Many Farms High School	None
Rouch Rock High School	Advisory only.
St. Michael High School	No answer
Toyey Opportunity Center	Provides part of funding and consulting services.
College of Ganado	Arizona Dept. of Ec. Sec. has provided on-site evaluation and T.A.; continuing contacts by phone.

Appendix C -- NDOE's Comments to
Proposed Regulations



THE NAVAJO NATION

WINDOW ROCK, ARIZONA 86515

PETER MacDONALD
Chairman, Navajo Tribal Council

WILSON C. SKEET
Vice Chairman, Navajo Tribal Council

Recommendations Regarding Proposal Regulations to P.L. 94-482, Part 105,
Subpart 2--Indian Tribes: Contract Program for Indian Tribes and
Indian Organizations

1. State of Purpose

The statement of purpose as it is presently written needs to be more clearly defined: the phrase that authorizes contracts with an Indian Tribe or tribal organization "to plan, conduct, and administer programs, or portions thereof," gives little indication of the types of programs that are viable under this provision. Regulations need to more fully explain what is meant by this phrase using several examples of activities that can be contracted. These examples should emphasize that planning is a legitimate activity for which a tribe can contract, provide suggestions as to ways in which these funds can be utilized to leverage and/or supplement other resources, and assure that tribes are made aware of the full range of options for the use of the funds.

2. Revision and Simplification of Technical Criteria

a. Present Criteria

The technical criteria do not respond to the needs of Indian people for vocational education, nor the intent of Congress to provide for those needs. Award of contracts based on the criteria as they are presently written will reflect primarily those who excel in preparing applications. This program is not intended to develop pilot, exemplary or innovative approaches to vocational education, nor is it intended toward applied research or development of curriculum. Therefore, the technical criteria are inappropriate for this program. Congress intended the program to provide Indian tribes with the basic support to plan, administer and conduct vocational education programs. The criteria should place more emphasis on the need for vocational education and much less emphasis on the technical aspects of the submission requirements for contracting. We propose that the criteria be revised as set forth below.

The program improvement criterion focuses on the actual development and implementation of vocational training programs. The operation of a training program is not the only purpose for which the funds can be used. Planning, equipment purchase, facilities improvement, evaluation of BIA, LEA, and SEA vocational education programs are equally valid activities and the criteria for project selection should not implicitly or explicitly exclude such options. A more appropriate criterion to apply would be "evidence that the program will contribute to the capacity of tribe to respond to the vocational education needs of its members." This criterion should have a weighting of 25 points.

While there is no question that tribes are in need of vocational education services, the needs of tribes will depend on a variety of factors and, therefore, the nature of the program they propose will differ. A discussion of the need for vocational education programs should include a description of the programs presently available from LEA, SEA, BIA, and other sources, as well as the tribe's economic development efforts and plans. Then an appropriate judgment of the need for the program can be made. This description of need will provide BOAE with sufficient information to work with prospective grantees to assure that the proposed project is responsive to the vocational education need that exists and to encourage maximum utilization of resources. In this context, need is a far more important criterion, and should be given a weighting of 25 points.

Criteria (c), (d), (e), and (f) under §105.211 Technical Review Criteria should be combined and revised to require a work plan that reflects the reasonableness and workability of the program or project being proposed, and given a maximum of 25 points. Furthermore, criteria (g) and (i) under the same section are inconsistent with the Indian Self-Determination Act and regulations which require only that an acceptable personnel system be in place. Institutional capability is not an appropriate criterion under such a grant program; it is particularly inappropriate for this program since for many Indian tribes this will be the first vocational education activity they will administer. A total of 10 points should be allocated here.

b. Special Criteria

We further recommend that priority be given to proposed activities that require staff or support, a comprehensive vocational education plan. Development of such a plan should be considered a legitimate activity.

Priority should also be given to activities that include coordination with existing programs and resources. This will increase the likelihood that these funds will be used to leverage other funds/programs/resources. Indian tribes must not be led to believe that this program is the be all and end all to solving the problems of insufficient and inadequate vocational education programs for Indians. Funds available through this program are not sufficient to do that. Rather, tribes should be encouraged to utilize these funds to move toward the development of ways to maximize the variety of resources that can assist in supporting/providing vocational education programs. The principle of providing additional points for projects which respond to specific priorities has been established in other Indian education programs (see Proposed Rule-making, Indian Education Act, Part B, §187.13 Priority).

3. Additional Factors for Declining to Contract

The regulations permit the Commissioner (OE) to decline to contract if "applicant has not performed satisfactorily under a previous Office of Education award." The law does not state that the Commissioner can decline to contract for that reason. The law says only that the terms of the contract are subject to Section 102 of the Indian Self-Determination Act, and Section 102 does not permit a contract to be declined for such a reason. Section 102 states:

"That the Secretary may initially decline to enter into any contract requested by an Indian tribe if he finds that (1) the service to be rendered to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory; (2) adequate protection of trust resources is not assured, or (3) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract: Provided further, That in arriving at his finding, the Secretary shall consider whether the tribe or tribal organization would be deficient in performance under the contract with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be contracted for, (D) community support for the contract, (E) adequately trained personnel, or (F) other necessary components of contract performance."

The BIA rules and regulations for Section 102 state:

§271.15. Criteria for declining to contract.

(a) The Commissioner may decline to contract only for the specific causes given in paragraph (b) of this section. The burden of proof is on the Commissioner to demonstrate, through substantial evidence, that one of the specific grounds for declination exists and that, therefore, the application must be declined.

(b) The Commissioner may decline to contract when:

(1) The services to be provided to the intended Indian beneficiaries of the particular program or function to be contracted will not be satisfactory.

(i) It will be presumed by the Bureau that the program plan and budget set forth by the tribal organization provides a basis for the delivery of satisfactory services to the Indian people unless it can be demonstrated by the Bureau by substantial evidence that the program will yield results which will be deleterious to the welfare of the Indian people to be served.

(ii) The service to be provided shall be deemed satisfactory if the contract application indicates that the applicant has or will establish procedures to assure that services and assistance shall be provided to the Indians affected by the contract in a fair and uniform manner. Such procedures include eligibility criteria for a tribal member to receive services; recordkeeping adequate to verify the fairness and uniformity of services in case of formal complaints; an adequate complaint procedure available to all Indians affected; and those rights the individual will retain following the complaint.

Since the Vocational Education Act and the rules and regulations accept the terms of Section 102, it is not within the authority of the Commissioner to decline a contract for this reason.

Another factor for declining to contract is if "funding the program would create an inequitable distribution among the tribes." There is no definition of what is equitable distribution, however. Such a provision opens the door to arbitrary decision-making.

Dillon Platero

Dillion Platero
Director
Navajo Division of Education

Appendix D -- Strategy for Organization
and Training of Reservation-
Wide Vocational Education
Advisory Council

II. Strategy for the Organization and Training of Reservation-Wide Vocational Education Advisory Council

The application for the Indian Vocational Education Contracts Program submitted to the Bureau of Occupational and Adult Education proposed the establishment of a reservation-wide Advisory Council. Consideration needs to be given to the methods recommending Advisory Council members to the members of Tribal Council's Education Committee and what can be accomplished both politically and/or substantively to gain support and insure continued support for vocational education on the reservation. The application to BOAE itself does not specify the criteria for selecting members, only that criteria will be established. Between now and the time NDOE receives notification that it will receive an award, the composition of the Advisory Council needs to be thought through. A goals and mission statement must also be prepared. By thinking through these issues now, deciding on a rationale for selection, and defining the Council's role and how NDOE would utilize it, potential members can be identified prior to the time that the program begins. That way, members can be invited and contacted during the first week of the project, notified of the first meeting and no time will be lost.

One of the first things to consider is whether or not the membership will be exclusively Navajo. This decision has implications for the role and functions of the Advisory Council. Vocational education is a fairly new concept on the reservation (primarily because, in the past, program offerings have been so limited, i.e., the BIA schools don't have vocational programs, only pre-vocational, and the public school programs have been characterized by underfunding and inadequacy so that opportunities for providing students with employable skills has been severely limited). Also, the local schools have not sought tribal input, and other priorities have occupied NDOE so that they have not insisted on participating in decision-making. As stated in the BOAE application, "the Navajo Division of Vocational and Career Education (NDVCE) staff will start with the assumption that the Advisory Council knows very little about vocational and career education; what the public laws provide; what state programs provide; the needs on the Navajo Reservation as they have been previously identified; and, what plans there are to

met those needs." Therefore, an Advisory Council composed of such members will require extensive orientation and training to provide them with information upon which they can make informed judgments and reach decisions based on knowledge.

There are, however, other models of Advisory Councils that could be considered. NDOE could decide to utilize the requirements for composition and functions of 'local advisory councils' established for local school districts under the Vocational Education Amendments.

A local educational agency must have a local advisory council to receive federal assistance under the Vocational Education Act; but this is not required by the Indian Contracts Program. Since NDOE is not a local educational agency, there is no advantage for NDOE to model a council after that required by LEA's who have local councils so that they will be eligible to receive state basic grant funds.

Another model is that required of the State to establish a State Advisory Council. (Requirements for membership and functions and responsibilities are attached.) There are certain advantages to using this as a model. NDOE has long considered moving in the direction of establishing itself as a state educational agency (SEA) with all the authority and responsibility for standards and programs that other state educational agencies have. By modeling its Council after that required of other states, it would have a Vocational Education Advisory Council already in place that meets the requirements of the law, in order for them to receive federal vocational education funds, should NDOE become established as a state education agency; it could, therefore, immediately be eligible to receive federal funds as a state. Realistically, however, SEA status is probably a long way down the road; at a time that SEA status appears forthcoming, NDOE could establish an Advisory Council that meets federal regulation requirements at that time.

Instead of using other models, or imposing an all Navajo requirement on selection of Advisory Council members, NDOE should take into consideration

individuals who have both an interest in vocational education and a leadership ability to communicate that interest to others. Members who understand the importance of vocational education programs are likely to become active working members of the Council, their interest and leadership will help make the issues more visible and communicate its importance and potential to others. Providing these individuals with a substantive knowledge of vocational education so that they can make informed decisions can be accomplished in many ways.

The regulations require local advisory councils to be comprised of members who represent business, industry and labor. The rationale for this representation is that there are individuals who have needs for skilled employees and thus can provide advice concerning the kinds of programs that need to be offered. However, this type of information can be obtained without constraining the membership of the Council to such individuals. In fact, one of the functions of the NDVCE staff as outlined in the BOAE application is to establish a system for obtaining such information. Rather than use this as a criteria for Council membership, representatives of various business and industries on and near the reservation can be invited to address the Advisory Council during regularly scheduled meetings; the purpose would be for them to explain and describe their employment needs and how and what vocational programs should be established to meet those needs. The Advisory Council could prepare a series of questions in advance so that representatives would come prepared with the answers. This process would highlight the important linkage and benefits of vocational education to employment. Examples of the kinds of questions the Advisory Council could ask appear in the Appendix.

The same type of process might be instituted with individuals who administer other skill training programs on and near the reservation. This would highlight the role of vocational education in relation to other training providers. It would serve as part of the training process to show what training is being provided; what funds are supporting that training; what the restrictions and flexibility of other programs are, and the role of vocational education programs in preparing students while still in school for continuation in other programs or for employment.

While these kinds of experiences will help put vocational education in perspective for the members for whom it may be a relatively new concept, there is also a need for a more structured training program to provide members with a substantive background. Part of each meeting over the first several months could focus on providing this training and information. Topics to be covered as part of this training should include:

- Understanding the purpose and scope of vocational education;
- How vocational education programs are funded and delivered;
- Understanding of what is provided in the Vocational Education Act, both under the Indian Vocational Education Contracts Program and the state grant program;
- What is required for a good vocational education program;
- How vocational education relates to and is different from other skill training programs;
- How vocational education relates to employment;
- Understanding the planning process and criteria for initiating new vocational education programs;
- Evaluation of vocational education programs;
- The role and function of a Vocational Education Advisory Council.

This training could be provided by the NDVCE staff. However, there may be areas where other resource people with knowledge and experience in the area should be brought in to conduct the training.

At the point at which the Advisory Council members have gained the substantive information and been exposed to the range of concepts that are addressed in vocational education, they will be ready to perform the functions of the Advisory Council and assist the NDVCE staff in their policy and decision-making. These functions parallel that of a State Advisory Council and include:

- Advise NDVCE in the development of an annual plan for vocational education on the reservation;

- Advise NDVCE on policy matters arising out of the administration of vocational education programs;
- Evaluate vocational education programs, services and activities;
- Identify, after consultation with the Navajo Office of Labor, the vocational education and employment and training needs of the reservation; assess the extent to which vocational education, employment training, vocational rehabilitation, special education, and other programs assisted under this and related Acts represent a consistent, integrated, and coordinated approach to meeting these needs.

Appendix E

AUG 21 Recd

AUG 17 1978

Dr. Ernest Boyer
Commissioner of Education
Department of Health, Education
and Welfare
Washington, D.C.

Dear Commissioner Boyer:

I am hereby submitting formal protest over the rejection to fund the application submitted by the Navajo Nation to the Bureau of Occupational and Adult Education (CFDA 13.588) to establish the Navajo Department of Vocational and Career Education.

The rejection of this application is in violation of the Education Amendments of 1976, Public Law 94-432, and the regulations implementing that legislation. It is also a violation of the Indian Self-Determination Act, P.L. 93-638, and the Federal policy of Indian self-Determination.

I hereby request that a freeze be put on all contract negotiations by the Bureau of Occupational and Adult Education being conducted with organizations on the Navajo Reservation other than the Navajo Division of Education. Until such time that this matter is fully investigated and a formal determination is made regarding the violation of the legislation and the regulations, funds should be retained to support the application submitted by the Navajo Division of Education of the Navajo Tribe.

In order to accomplish these purposes, the Navajo Tribe requests a hearing pursuant to Section 105.213 of the Regulations.

Dr. Ernest Boyer
Page Two

The Navajo Nation represents approximately one-third of all reservation Indians in the United States. The Navajo Tribal Council has designated the Navajo Division of Education the sole agency responsible for planning, supervision, coordination and control of all activities regarding education on the reservation. Your action has violated Section 105.212 (b) of the Vocational Education Regulations. This section clearly implies that there is a legal obligation to avoid an inequitable distribution of funds among Indian tribes. In that the Navajo Nation represents nearly one-third of all reservation Indians, the failure to fund our application demonstrates "inequitable distribution."

The rejection of this application deepens the concerns raised by Indian people about the manner in which the Office of Education will respond to Self-Determination initiatives by Indian tribes in the event that the education programs currently administered by the Bureau of Indian Affairs are transferred to the proposed Department of Education.

The Navajo Division of Education has demonstrated its capability in vocational education by virtue of its successful performance on three separate research grants funded by the Bureau of Occupational and Adult Education. Yet it is our understanding that the Bureau of Occupational and Adult Education may be negotiating with specific organizations on the Navajo reservation who submitted applications. These applications were submitted without the support of the Navajo Tribe Council and, therefore, funding such applications are a direct violation of Section 102 of the Indian Self-Determination Act and Section 103(b) (iii) of the Education Amendments of 1976.

Please schedule the hearing as soon as possible and take such steps as are necessary to ensure that funds will be available to the Navajo Nation in the event that these charges are upheld.

Sincerely,

/s/ PETER MacDONALD

Peter MacDonald, Chairman
Navajo Tribal Council

cc: Edgar S. Cahn

Charles Buzzell, Bureau of Occupational & Adult Education
Dr. Sam Billison, Navajo Education

PMD/CHRONO
PMD:sk

ANTIOCH SCHOOL OF LAW

1624 Crescent Place, N.W., Washington, D.C. 20009

202-265-9500

September 26, 1978

Dr. Ernest L. Boyer
U.S. Commissioner of Education
Office of Education
Washington, D.C., 20202

Dear Commissioner Boyer:

Enclosed herewith is a legal memorandum in reference to the appeal by the Navajo Division of Education and the Navajo Tribal Chairman Peter Mac Donald, hearing of which was conducted on Monday, the 18th of September.

Please add this to the appeals record.

Sincerely,



Edgar S. Cahn
Co-Dean

Enclosure

MEMORANDUM

September 26, 1978

TO: Dr. Ernest L. Boyer, Commissioner
Office of Education

FROM:

RE: Authority of the Commissioner to Judge the Capability of
the Navajo Division of Education

The declination to contract with the Navajo Department of Vocational and Career Education, within the Navajo Division of Education, constitutes a judgment by the Commissioner that the tribe is not capable to perform the functions to which the application is addressed.

Such a judgment is not within the authority of the Commissioner. A judgment of this nature is in violation of his own regulations and those which he has accepted under the Indian Self-Determination Act.

The Commissioner has accepted the criteria used in the Indian Self-Determination Act, as a basis for declining to contract with a tribal governing body. Specifically, §105.204 of the Vocational Education Regulations states "...except to the extent that appropriate sections of the Indian Self-Determination and Education Assistance Act of 1975 apply...." They further state in §105.211 that "The following criteria will be utilized.... The review of these criteria shall constitute the basis for the Commissioner to enter or decline to enter into a contract with an eligible applicant. If the review of an application results in no recommendation to fund (where funds are available), this will mean that it is not satisfactory, as that term is used in the Indian Self-Determination Act (section 102)."

The reasons for declining to contract are clearly and specifically defined in the Indian Self-Determination Act §102 and its implementing regulations. Section 271.15 of the implementing regulations promulgated pursuant to section 102 sets forth criteria for declining to contract. They state that "(a)... The burden of proof is on the Commissioner to demonstrate, through substantial evidence, that one of the specific grounds for declination exists...." The burden of substantial evidence has not been met by the Commissioner in these circumstances. The

Commissioner is permitted to decline to contract when: "(1) The services to be provided to the intended beneficiaries of the particular program or function to be contracted will not be satisfactory." Section 271.15(b)(1)(i) sets a presumption that the services to be provided by the contract are satisfactory. That presumption, according to the regulations, can only be overcome by "substantial evidence that the program will yield results which will be deleterious to the welfare of the Indian people to be served." The Commissioner has not overcome this presumption in favor of the tribe.

The Commissioner is also permitted to decline to contract when "(3) The proposed project or function to be contracted cannot be properly completed or maintained by the proposed contract." The regulations clearly sets presumptions in favor of the tribe in this regard. In bookkeeping and accounting procedures, §271.15(c)(2) states "... It must be clearly demonstrated ... that the tribal organization ... does not have or cannot set in place, using contract funds, an accounting and bookkeeping system which will be adequate." The Commissioner has not clearly demonstrated any inadequacy in that regard. In substantive knowledge of the program to be contracted, §271.15(c)(3)(i) states in pertinent part "... , there shall be an absolute presumption that the tribal governing body has substantive knowledge of the program or function to be contracted." The Commissioner has not overcome this "absolute presumption" in favor of the tribe. In community support for the contract, §271.15(c)(4) "... the tribal governing body's resolution...shall be presumed to demonstrate that there is community support for the proposed contract...the tribal governing body's resolution shall be deemed conclusive." The tribe has submitted such a resolution with the application and the Commissioner has not met his burden of "substantial evidence" to prove that the resolution is not satisfactory. Under adequately trained personnel, §271.15(c)(5) "...the adequacy of trained personnel available to the tribal organization to carry out the proposed contract are to be employed under the personnel system will be presumed if any of the following conditions exist:...a personnel system that prescribes minimum occupational qualification standards, procedures for the selection of personnel on the basis of such standards...." The tribe has indicated in its application that it has such a system and that it plans on using that system under the contract. The Commissioner has not overcome his burden to prove the nonexistence of adequately trained personnel. Under other necessary components of contract performance, §271.15(c)(6)(i) "all other necessary components of contract performance will be deemed to be met...." The tribe has met all other necessary components of contract performance and has stated such components in its application.

Section 271.15(c)(6)(ii) states that "...no other components shall be defined which may serve as a basis for declination unless they are added to these regulations by revision or amendment of the regulations." The Commissioner has not met his burdens to decline to contract with the Navajo Division of Education and he cannot now decline on the basis of lack of funds as there were application which "rated higher" as there were adequate funds available when the tribe submitted its application and "rating" is not a valid criteria, under §102 of the Indian Self-Determination Act, for a declination. Section 271.15(c)(ii)(f) also states that the Commissioner "...may not decline to enter into a contract with a tribal organization because of any objection that could be overcome through the contract." This provision in the regulations requires the Commissioner to be flexible in favor of the tribe in the event that he finds objections in the contract application.

It is, therefore, clear that the Commissioner and the Bureau of Occupational and Adult Education have violated their own regulations as stated in §105.211 by declining to enter into a contract with the Navajo Division of Education.

cc: SBillison
JMiller